OHIO
ORTHERN
NIVERSITY

U.S.

TREATIES AND CONVENTIONS

CONCLUDED BETWEEN

THE UNITED STATES OF AMERICA AND OTHER POWERS

SINCE JULY 4, 1776.

TAINING NOTES, WITH REFERENCES TO NEGOTIATIONS PRECEDING THE SEVERAL TREATIES, TO THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL CONSTRUCTION OF THEM, AND TO THE CAUSES OF THE ABROGATION OF SOME OF THEM; A CHRONOLOGICAL LIST OF TREATIES; AND AN ANALYTICAL INDEX.

4-3856

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1889.

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NOTE.

This volume is printed as Senate Executive Document No. 47, Forty-eighth Congress, second session.

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PREFACE.

The first compilation of the Treaties and Conventions concluded by e United States with foreign powers was prepared in accordance th the provisions of the act of Congress approved April 18, 1814, titled "An act authorizing a subscription for the laws of the United ates, and for the distribution thereof." The act made it the joint ty of the Secretary of State and the Attorney-General to prescribe e plan and manner in which the new edition of the laws should be blished. The plan was drawn up by Attorney-General Rush June , 1814, and it being concurred in by Secretary Monroe, the latter icer appointed John B. Colvin as "a competent person to prepare and perintend an edition of the same." The plan included the publica- n of all laws passed after the adoption of the Constitution; the Dec- ation of Indedendenc; the Articles of Confederation; the Constitu- n of the United States; Treaties and Conventions made between the nited States and Foreign Nations; Indian treaties; and the acts, or- nances, or resolutions passed by the Continental Congress prior to e year 1789 that in any degree affected real property, the government the Territories, the organization of the great Executive Departments the Government, etc. The compilation was published in 1815, and is nown as Bioren & Duane's edition of the laws and is entitled "Laws the United States," volume 1.

The next compilation appears to have been that published in Wash- gton in 1827, by Jonathan Elliot, and entitled "Diplomatic Code of e United States of America, embracing a collection of Treaties and nventions," etc., from 1778 to 1827. In addition to the texts of the eaties, the edition contains miscellaneous matter, including the United ates laws relating to the privileges of foreign ministers in the United ates, and United States consuls abroad, the text of acts and procla- ations concerning the execution of treaties, extracts from treaties tween foreign states in so far as these might indirectly affect the nited States, references to the principal cases decided in the courts the United States, and in some of the State tribunals in regard to ints or principles connected with our foreign relations. In 1834 Mr. liot re-issued this work, corrected to date, and with considerable ad- ions. This edition is styled "The American Diplomatic Code [etc.].

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Also, a concise Diplomatic Manual, containing a summary of the Law of Nations." The chief addition consists of "Extracts from the correspondence of the Diplomatic Agents of the United States," beginning with the instructions to Silas Deane, in 1776, and ending with the paper last published at the date of issue.

Little & Brown, in 1848, published a volume containing the Treaties and Conventions concluded up to that date. It is known as volume 8, Statutes at Large, Foreign Treaties, General Index.

On the 1st of February, 1871, the Secretary of State, in compliance with a resolution of the Senate of December 22, 1870, transmitted to that body copies of the treaties and conventions (except postal conventions) entered into by the United States, the ratifications whereof had been exchanged, with certain notes, which were printed as Senate Executive Document No. 36, of the third session of the Forty-first Congress. This compilation was reproduced and forms part of the "Revised Statutes relating to the District of Columbia and Post-Roads, Public Treaties," published in 1875.

In September, 1873, Mr. J. C. Bancroft Davis, then Assistant Secretary of State, under whose supervision the foregoing compilation was published, prepared what he styled a Revised Edition, adding in the form of an appendix treaties that had been concluded since the date of the last compilation. This edition was the first which contained an historical introduction or commentary, not in the shape of foot-notes, but in the form of a connected narrative of the correspondence with each country, giving a history of the negotiations and relating to matters in dispute under the several treaties. The collection was provided with two indexes, an "Analytical Index of the subjects referred to in the several treaties," and a "Synoptical Index, containing the titles of the several Treaties and Conventions, and a synopsis of their respective contents."

In August, 1876, Mr. John L. Cadwalader, who succeeded Mr. Davis as Assistant Secretary of State, published a supplement to the latter's collection, paged so that it could be bound in with it, and containing the treaties exchanged between September 1, 1873, and the date of issue. The indexes were reconstructed, and the new treaties provided with notes prepared on the same system as those of Mr. Davis.

The present volume was prepared in response to the following resolution of the Senate, dated January 5, 1885:

Resolved, That the Secretary of State be directed to transmit to the Senate copies of all the treaties and conventions, except postal conventions, entered into by the United States, the ratification whereof has been exchanged, with such notes as may be in his possession, indicating such treaties or conventions, or such parts of treaties or conventions, as have been changed or abrogated; together with a synoptical and analytical index of such treaties and conventions.

In the preparation of this volume such treaties or conventions as have become partially or completely abrogated, suspended, or amended, are so indicated by a foot-note at the beginning of such treaty or convention, giving a reference to the NOTES, where an explanation is given as

the manner and extent of such abrogation, suspension, or amendment. hose treaties or conventions, however, that from their nature have anifestly served the purpose for which they were concluded, such as ose relating to claims, cession of territory, etc., are not so indicated.

The very valuable historical notes of Mr. J. C. Bancroft Davis, pubshed in a former compilation, have been preserved entire, and the aditional notes which are introduced in this volume have been placed in rackets in order that they may be distinguished from those of Mr. avis.

The volume has grown to such proportions that it has been deemed dvisable not to print the "Synoptical Index" in a distinct form, as each reaty or convention has printed with it a full synoptical index, and it ould only be a reproduction of what will be found with the text. It believed that this will be an ample compliance with the resolution.

Occasion is taken by the compiler to express his obligations to Mr. ohn B. Moore, Third Assistant Secretary of State, for the valuable ssistance rendered by him in the work with special reference to the ecision of the courts, and to Mr. Henry T. Brian, foreman, and Mr. J. I. A. Spottswood, assistant foreman of the Government Printing Office, or the great interest they have shown in having the compilation printed ith care and accuracy.

JOHN H. HASWELL.

DEPARTMENT OF STATE,
Washington, January, 1889.

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TREATIES.

ALGIERS.

1795.*

TREATY OF PEACE AND AMITY, CONCLUDED THIS PRESENT DAY JIMA ARTASI, THE TWENTY-FIRST OF THE LUNA SAFER, YEAR OF THE HEGIRA 1210, CORRESPONDING WITH SATURDAY, THE FIFTH OF SEPTEMBER, ONE THOUSAND SEVEN HUNDRED AND NINETY-FIVE, BETWEEN HASSAN BASHAW, DEY OF ALGIERS, HIS DIVAN AND SUBJECTS, AND GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF NORTH AMERICA, AND THE CITIZENS OF THE SAID UNITED STATES.

Concluded September 5, 1795; Ratification advised by Senate March 2, 1796.

ARTICLE I.

From the date of the present treaty there shall subsist a firm and sincere peace and amity between the President and citizens of the United States of North America and Hassan Bashaw, Dey of Algiers, his Divan and subjects; the vessels and subjects of both nations reciprocally treating each other with civility, honor and respect. Peace established.

ARTICLE II.

All vessels belonging to the citizens of the United States of North America shall be permitted to enter the different ports of the Regency, to trade with our subjects, or any other persons residing within our jurisdiction, on paying the usual duties at our custom-house that is paid by all nations at peace with this Regency; observing that all goods disembarked and not sold here shall be permitted to be re-embarked without paying any duty whatever, either for disembarking or embarking. All naval and military stores, such as gunpowder, lead, iron, plank, sulphur, timber for building, tar, pitch, rosin, turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this Regency without paying any duties whatever at the custom-house of this Regency. Commercial intercourse.

ARTICLE III.

The vessels of both nations shall pass each other without any impediment or molestation; and all goods, moneys or passengers, of whatsoever nation, that may be on board of the vessels belonging to either party shall be considered as inviolable, and shall be allowed to pass unmolested. Vessels not to be molested.

* See Notes: "Abrogated, suspended or obsolete treaties."

ARTICLE IV.

All ships of war belonging to this Regency, on meeting with merchant-vessels belonging to citizens of the United States, shall be allowed to visit them with two persons only beside the rowers; these two only permitted to go on board said vessel without obtaining express leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage unmolested. All ships of war belonging to the United States of North America, on meeting with an Algerine cruiser, and shall have seen her passport and certificate from the Consul of the United States of North America, resident in this Regency, shall be permitted to proceed on her cruise unmolested; no passport to be issued to any ships but such as are absolutely the property of citizens of the United States, and eighteen months shall be the term allowed for furnishing the ships of the United States with passports.

Passports of vessels and ships of war.

ARTICLE V.

No commander of any cruiser belonging to this Regency shall be allowed to take any person, of whatever nation or denomination, out of any vessel belonging to the United States of North America, in order to examine them, or under pretence of making them confess anything desired; neither shall they inflict any corporal punishment, or any way else molest them.

No Algerine cruiser may take any person out of a vessel of the United States.

ARTICLE VI.

If any vessel belonging to the United States of North America shall be stranded on the coast of this Regency, they shall receive every possible assistance from the subjects of this Regency. All goods saved from the wreck shall be permitted to be re-embarked on board of any other vessel without paying any duties at the custom-house.

Stranded vessels of United States.

ARTICLE VII.

The Algerines are not, on any pretence whatever, to give or sell any vessel of war to any nation at war with the United States of North America, or any vessel capable of cruising to the detriment of the commerce of the United States.

Sale of vessels of war.

ARTICLE VIII.

Any citizen of the United States of North America, having bought any prize condemned by the Algerines, shall not be again captured by the cruisers of the Regency then at sea, although they have not a passport; a certificate from the Consul Resident being deemed sufficient until such time they can procure such passport.

Passports for vessels.

ARTICLE IX.

If any of the Barbary States at war with the United States of North America shall capture any American vessel and bring her into any of the ports of this Regency, they shall not be permitted to sell her, but shall depart the port on procuring the requisite supplies of provision.

Sale of prizes.

Article X.

Any vessel belonging to the United States of North America, when at war with any other nation, shall be permitted to send their prizes into the ports of the Regency, have leave to dispose of them without paying any duties on sale thereof. All vessels wanting provisions or refreshments shall be permitted to buy them at market price.

United States prizes.

Article XI.

All ships of war belonging to the United States of North America, on anchoring in the ports of the Regency, shall receive the usual presents of provisions and refreshments gratis. Should any of the slaves of this Regency make their escape on board said vessels, they shall be immediately returned. No excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.

Treatment of ships of war of United States.

Article XII.

No citizen of the United States of North America shall be obliged to redeem any slave against his will, even should he be his brother; neither shall the owner of a slave be forced to sell him against his will, but all such agreements must be made by consent of parties. Should any American citizen be taken on board an enemy ship by the cruisers of this Regency, having a regular passport specifying they are citizens of the United States, they shall be immediately set at liberty. On the contrary, they having no passport, they and their property shall be considered lawful prize, as this Regency know their friends by their passports.

Slaves.

Passports of citizens.

Article XIII.

Should any of the citizens of the United States of North America die within the limits of this Regency, the Dey and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the Dey or Divan give hindrance in the execution of any will that may appear.

Estates of citizens of United States dying in the Regency.

Article XIV.

No citizen of the United States of North America shall be obliged to purchase any goods against his will, but on the contrary, shall be allowed to purchase whatever it pleaseth him. The Consul of the United States of North America, or any other citizen, shall not be answerable for debts contracted by any one of their own nation, unless previously they have given a written obligation so to do. Should the Dey want to freight any American vessel that may be in the Regency, or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations he

No citizen of United States to be compelled to purchase goods or pay debts of another.

expects to have the preference given him, on his paying the same freight offered by any other nation.

ARTICLE XV.

Disputes.

Any disputes or suits at law that may take place between the subjects of the Regency and the citizens of the United States of North America shall be decided by the Dey in person, and no other. Any disputes that may arise between the citizens of the United States shall be decided by the Consul, as they are in such cases not subject to the laws of this Regency.

ARTICLE XVI.

Crimes.

Should any citizen of the United States of North America kill, wound or strike a subject of this Regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the United States of North America in the above predicament, escape prison, the Consul shall not become answerable for him.

ARTICLE XVII.

Privileges of the Consul of the United States.

The Consul of the United States of North America shall have every personal security given him and his household. He shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said Consul's house at hours of prayer. The Consul shall have liberty and personal security given him to travel, wherever he pleases, within the Regency. He shall have free license to go on board any vessel lying in our roads, whenever he shall think fit. The Consul shall have leave to appoint his own dragoman and broker.

ARTICLE XVIII.

Case of war.

Should a war break out between the two nations, the Consul of the United States of North America, and all citizens of said States, shall have leave to embark themselves and property unmolested on board of what vessel or vessels they shall think proper.

ARTICLE XIX.

Citizens of either nation captured by the other to be set at liberty.

Should the cruisers of Algiers capture any vessel having citizens of the United States of North America on board, they having papers to prove they are really so, they and their property shall be immediately discharged. And should the vessels of the United States capture any vessels of nations at war with them, having subjects of this Regency on board, they shall be treated in like manner.

ARTICLE XX.

Salutes to vessels of war.

On a vessel of war belonging to the United States of North America anchoring in our ports, the Consul is to inform the Dey of her arrival, and she shall be saluted with twenty one guns, which she is to return in the same quantity or number. And the Dey will send fresh provisions on board, as is customary, gratis.

Article XXI.

The Consul of the United States of North America shall not be required to pay duty for anything he brings from a foreign country for the use of his house and family. Free entry for Consul.

Article XXII.

Should any disturbance take place between the citizens of the United States and the subjects of this Regency, or break any article of this treaty, war shall not be declared immediately, but everything shall be searched into regularly. The party injured shall be made reparation. War not to be declared in cases of breach of treaty.

On the 21st of the Luna of Safer, 1210, corresponding with the 5th September, 1795, Joseph Donaldson, jun., on the part of the United States of North America, agreed with Hassan Bashaw, Dey of Algiers, to keep the articles contained in this treaty sacred and inviolable, which we, the Dey and Divan, promise to observe, on consideration of the United States paying annually the value of twelve thousand Algerine sequins in maritime stores. Should the United States forward a larger quantity, the overplus shall be paid for in money by the Dey and Regency. Any vessel that may be captured from the date of this treaty of peace and amity shall immediately be delivered up on her arrival in Algiers. Sum to be paid to the Dey.

Vizir Hassan Bashaw.
Joseph Donaldson, Jun.

[Seal of Algiers stamped at the foot of the original treaty in Arabic.]

To all to whom these presents shall come or be made known:

Whereas the underwritten, David Humphreys, hath been duly appointed Commissioner Plenipotentiary by letters-patent, under the signature of the President and seal of the United States of America, dated the 30th of March, 1795, for negociating and concluding a treaty of peace with the Dey and Governors of Algiers; whereas, by instructions, given to him on the part of the Executive, dated the 28th of March and 4th of April, 1795, he hath been further authorized to employ Joseph Donaldson, junior, on an agency in the said business; whereas, by a writing under his hand and seal, dated 21st May, 1795, he did constitute and appoint Joseph Donaldson, junior, agent in the business aforesaid; and the said Joseph Donaldson, jun., did, on the 5th of September, 1795, agree with Hassan Bashaw, Dey of Algiers, to keep the articles of the preceding treaty sacred and inviolable:

Now know ye that I, David Humphreys, Commissioner Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In testimony whereof I have signed the same with my hand and seal, at the city of Lisbon, this 28th of November, 1795.

[SEAL.] David Humphreys.

1815.*

TREATY OF PEACE AND AMITY.

Concluded June 30 and July 6, 1815; Proclaimed December 26, 1815.

ARTICLE I.

Peace and friendship.

There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace and friendship between the President and citizens of the United States of America on the one part, and the Dey and subjects of the Regency of Algiers, in Barbary, on the other, made by the free consent of both parties and on the terms of the most favored nations. And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, when it is freely granted to such other nations, but when the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

Favors in navigation and commerce.

ARTICLE II.

Abolition of tribute.

It is distinctly understood between the contracting parties, that no tribute, either as biennial presents, or under any other form or name whatever, shall ever be required by the Dey and Regency of Algiers from the United States of America, on any pretext whatever.

ARTICLE III.

American citizens to be delivered up.

The Dey of Algiers shall cause to be immediately delivered up to the American squadron now off Algiers all the American citizens now in his possession, amounting to ten, more or less; and all the subjects of the Dey of Algiers, now in possession of the United States, amounting to five hundred, more or less, shall be delivered up to him; the United States, according to the usages of civilized nations, requiring no ransom for the excess of prisoners in their favor.

ARTICLE IV.

Indemnification to American citizens for detention and loss of property, &c.

A just and full compensation shall be made by the Dey of Algiers to such citizens of the United States as have been captured and detained by Algerine cruisers, or who have been forced to abandon their property in Algiers, in violation of the twenty-second article of the treaty of peace and amity concluded between the United States and the Dey of Algiers on the fifth of September, one thousand seven hundred and ninety-five.

And it is agreed between the contracting parties, that, in lieu of the above, the Dey of Algiers shall cause to be delivered forthwith into the hands of the American Consul residing at Algiers, the whole of a quantity of bales of cotton left by the late Consul-General of the United States in the public magazines in Algiers; and that he shall pay into the hands of the said Consul the sum of ten thousand Spanish dollars

* See Notes: "Abrogated, suspended or obsolete treaties."

ARTICLE V.

If any goods belonging to any nation with which either of the parties are at war should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them. Enemy's property.

ARTICLE VI.

If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and in no case, or on any other pretence whatever, shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any other nation with which Algiers may be at war be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and of American property, by the Consul of the United States residing at Algiers. Citizens or subjects taken on board an enemy's vessel.

ARTICLE VII.

Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Algiers, on meeting with merchant-vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the commander, or any other person, on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States residing in Algiers, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Algerine ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner. Passports to vessels of each party. Right of visit restricted. Abuse of right of visit.

All vessels of war belonging to the United States of America, on meeting a cruiser belonging to the Regency of Algiers, on having seen her passports and certificates from the Consul of the United States residing in Algiers, shall permit her to proceed on her cruise unmolested and without detention. No passport shall be granted by either party to any vessels but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretence whatever. Vessels provided with passports not to be molested.

ARTICLE VIII.

A citizen or subject of either of the contracting parties having bought a prize vessel condemned by the other party, or by any other nation, the certificates of condemnation and bill of sale shall be a sufficient passport for such vessel for six months; which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports. What shall be sufficient passport.

ARTICLE IX.

Vessels of either of the contracting parties putting into ports of the other, and having need of provisions or other supplies, shall be furnished at the market price; and if any such vessel Price of provisions.

should so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo without paying any customs or duties whatever; but in no case shall she be compelled to land her cargo.

Vessels obliged to repair.

ARTICLE X.

Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her crew; no pillage shall be allowed; the property shall remain at the disposal of the owners; and, if reshipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succored until they can be sent to their own country.

Wrecks.

ARTICLE XI.

If a vessel of either of the contracting parties shall be attacked by an enemy within cannon-shot of the forts of the other, she shall be protected as much as is possible. If she be in port she shall not be seized or attacked when it is in the power of the other party to protect her; and, when she proceeds to sea, no enemy shall be permitted to pursue her from the same port within twenty-four hours after her departure.

Protection of vessels in the port of either party.

ARTICLE XII.

The commerce between the United States of America and the Regency of Algiers, the protections to be given to merchants, masters of vessels, and seamen, the reciprocal rights of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

Most favored nation clause.

ARTICLE XIII.

The Consul of the United States of America shall not be responsible for the debts contracted by citizens of his own nation, unless he previously gives written obligations so to do.

Consul of U. S. not responsible for debts of citizens.

ARTICLE XIV.

On a vessel or vessels of war belonging to the United States anchoring before the city of Algiers, the Consul is to inform the Dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships of war of the most favored nations on similar occasions, and which shall be returned gun for gun; and if, after such arrival, so announced, any Christians whatsoever, captives in Algiers, make their escape and take refuge on board any of the ships of war, they shall not be required back again, nor shall the Consul of the United States or commanders of said ships be required to pay anything for the said Christians.

Salutes to vessels of war of United States.

ARTICLE XV.

As the Government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of any nation, and as the said States have never entered

Religious opinions.

into any voluntary war or act of hostility except in defense of their just rights on the high seas, it is declared, by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations; and the Consuls and Agents of both nations shall have liberty to celebrate the rites of their respective religions in their own houses.

The Consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessels they may think proper to visit; they shall likewise have liberty to appoint their own dragoman and broker.

Consuls may travel within the territories of each party, &c.

ARTICLE XVI.

In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, the Government of that country shall state their grievance in writing and transmit the same to the Government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the Consuls and citizens and subjects of both parties, respectively, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

Settlement of disputes arising from violation of this treaty.

ARTICLE XVII.

If, in the course of events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves; they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safe-keeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture; and the exchange may be effected by any private individual legally authorized by either of the parties.

Prisoners of war.

ARTICLE XVIII.

If any of the Barbary States, or other powers at war with the United States, shall capture any American vessel and send her into any port of the Regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshments of any kind, and to sell such prizes in the said ports, without any other customs or duties than such as are customary on ordinary commercial importations.

Case of war between United States and third powers. Treatment of prizes.

ARTICLE XIX.

If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Govern-

Settlement of disputes in general.

ment of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other nation having a Consul or Agent in Algiers, such disputes shall be settled by the Consuls or Agents of the respective nations; and any disputes or suits at law that may take place between any citizens of the United States and the subjects of the Regency of Algiers shall be decided by the Dey in person, and no other.

ARTICLE XX.

Case of assault.

If a citizen of the United States should kill, wound, or strike a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound, or strike a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any delinquent should make his escape, the Consul shall not be responsible for him in any manner whatever.

ARTICLE XXI.

Free entry for Consul of United States.

The Consul of the United States of America shall not be required to pay any customs or duties whatever on anything he imports from a foreign country for the use of his house and family.

ARTICLE XXII.

Citizens of United States dying within the Regency of Algiers.

Should any of the citizens of the United States of America die within the limits of the Regency of Algiers, the Dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the Dey or his subjects give hinderance in the execution of any will that may appear.

I certify the foregoing to be a true copy of a treaty of peace negotiated by Commodore Decatur and myself with the Regency of Algiers, and signed by the Dey of that Regency on the 30th June, 1815.

On board the United States ship Guerriere, 6th July, 1815.

WM. SHALER.

1816.*

RENEWED TREATY OF PEACE AND AMITY.

Concluded December 22 and 23, 1816; Proclaimed February 11, 1822.

The President of the United States and the Dey of Algiers, being desirous to restore and maintain, upon a stable and permanent footing, the relations of peace and good understanding between the two powers,

* See Notes: "Abrogated, suspended or obsolete treaties."

l for this purpose to renew the treaty of peace and amity which was ıcluded between the two States by William Shaler and Commodore ›phen Decatur, as Commissioners Plenipotentiary on the part of the ited States, and His Highness Omar Pashaw, Dey of Algiers, on the h of June, 1815.

The President of the United States having subsequently nominated l appointed, by commission, the above-named William Shaler, and ıac Chauncey, Commodore and Commander-in-Chief of all the Naval rces of the United States in the Mediterranean, Commissioners Pleni-entiary, to treat with His Highness the Dey of Algiers for the ıewal of the treaty aforesaid; and they have concluded, settled and ned the following articles:

ARTICLE I.

There shall be, from the conclusion of this treaty, a firm, perpetual, iolable and universal peace and friendship between the Peace and friendship. esident and citizens of the United States of America, on one part, and the Dey and subjects of the Regency of Algiers, in rbary, on the other, made by the free consent of both parties, and on terms of the most favored nations; and if either party shall here-er grant to any other nation any particular favor or privi- Favors in navigation and commerce. e in navigation or commerce, it shall immediately become ımon to the other party; freely, when freely it is granted to such er nations, but when the grant is conditional, it shall be at the option the contracting parties to accept, alter or reject such conditions, in h manner as shall be most conducive to their respective interests.

ARTICLE II.

t is distinctly understood between the contracting parties that no ıute, either as biennial presents, or under any other form Tribute. name whatever, shall be required by the Dey and Re- ıcy of Algiers from the United States of America, on any pretext atever.

ARTICLE III.

Relates to the mutual restitution of prisoners and subjects, and has en duly executed.]

See articles 3 and 4 of the treaty of June 30, 1815.

ARTICLE IV.

Relates to the delivery, into the hands of the Consul General, of a antity of bales of cotton, &c., and has been duly executed.]

ARTICLE V.

f any goods belonging to any nation with which either of the parties at war, should be loaded on board vessels belonging to Enemies' property. other party, they shall pass free and unmolested, and no empt shall be made to take or detain them.

ARTICLE VI.

f any citizens or subjects, belonging to either party, shall be found on ırd a prize vessel taken from an enemy by the other party, Treatment of citizens or subjects of either party taken on board an enemy's vessel. h citizens or subjects shall be liberated immediately, and ıo case, or on any pretense whatever, shall any American

citizen be kept in captivity or confinement, or the property of any Am
ican citizen found on board of any vessel belonging to any nation w
which Algiers may be at war, be detained from its lawful owners af
the exhibition of sufficient proofs of American citizenship and Americ
property, by the Consul of the United States residing at Algiers.

ARTICLE VII.

Passports to vessels of each party. Right of visit.

Proper passports shall immediately be given to the vessels of both
contracting parties, on condition that the vessels of war
longing to the Regency of Algiers, on meeting with mercha
vessels belonging to the citizens of the United States
America, shall not be permitted to visit them with more than two perso
besides the rowers; these only shall be permitted to go on board with
first obtaining leave from the commander of said vessel, who shall co
pare the passports, and immediately permit said vessel to proceed on
voyage; and should any of the subjects of Algiers insult or molest
commander, or any other person on board a vessel so visit
or plunder any of the property contained in her, on co
plaint being made to the Consul of the United States residing in Algie
and on his producing sufficient proofs to substantiate the fact, the co
mander or rais of said Algerine ship or vessel of war, as well as
offenders, shall be punished in the most exemplary manner.

Offenders abusing the right of visit.

All vessels of war belonging to the United States of America, on me
ing a cruiser belonging to the Regency of Algiers, on havi
seen her passports and certificates from the Consul of
United States residing in Algiers, shall permit her to proce
on her cruise unmolested, and without detention. No passport shall
granted by either party to any vessels but such as are absolutely
property of citizens or subjects of the said contracting parties, on a
pretense whatever.

Treatment of Algerine cruisers provided with passports.

ARTICLE VIII.

What shall be sufficient passport.

A citizen or subject of either of the contracting parties having bou
a prize vessel condemned by the other party, or by any ot
nation, the certificates of condemnation and bill of sale sh
be a sufficient passport for such vessel for six months; which, consider
the distance between the two countries, is no more than a reasona
time for her to procure passports.

ARTICLE IX.

Furnishing of provisions.

Landing of cargo.

Vessels of either of the contracting parties putting into the ports
the other, and having need of provisions or other suppl
shall be furnished at the market price; and if any such ves
should so put in from a disaster at sea, and have occasion to repair,
shall be at liberty to land and re-embark her cargo, with
paying any customs or duties whatever; but in no case sh
be compelled to land her cargo.

ARTICLE X.

Wrecks.

Should a vessel of either of the contracting parties be cast on sh
within the territories of the other, all proper assistance sh
be given to her and her crew; no pillage shall be allow
the property shall remain at the disposal of the owners; and, if reship

oard of any vessel for exportation, no customs or duties whatever l be required to be paid thereon, and the crew shall be protected succored until they can be sent to their own country.

Article XI.

a vessel of either of the contracting parties shall be attacked by an ny within cannon shot of the forts of the other, she shall rotected as much as is possible. If she be in port, she l not be seized or attacked when it is in the power of the r party to protect her; and when she proceeds to sea, no enemy l be permitted to pursue her from the same port within twenty-four 's after her departure.

Protection of vessels of either party in ports of the other.

Article XII.

ie commerce between the United States of America and the Regency lgiers, the protections to be given to merchants, masters essels and seamen, the reciprocal rights of establishing suls in each country, the privileges, immunities and jurisdictions to njoyed by such Consuls, are declared to be on the same footing, in y respect, with the most favored nations, respectively.

Most favored nation clause.

Article XIII.

ie Consul of the United States of America shall not be responsible he debts contracted by the citizens of his own country, ss he gives previously written obligations so to do.

Consul of United States not responsible for debts of citizens.

Article XIV.

n a vessel or vessels of war belonging to the United States anchoring re the city of Algiers, the Consul is to inform the Dey er arrival, when she shall receive the salutes which are, reaty or custom, given to the ships of war of the most red nations on similar occasions, and which shall be returned gun gun; and if, after such arrival, so announced, any Christians what-, captives in Algiers, make their escape and take refuge on board any ie said ships of war, they shall not be required back again, nor shall Consul of the United States or commander of the said ship be uired to pay anything for the said Christians.

Vessels of war of United States arriving in ports of Algiers.

Article XV.

s the Government of the United States has, in itself, no character nmity against the laws, religion or tranquillity of any on, and as the said States have never entered into any ntary war or act of hostility except in defense of their just rights he high seas, it is declared by the contracting parties, that no pre- arising from religious opinions shall ever produce an interruption he harmony between the two nations; and the Consuls and Agents oth nations shall have liberty to celebrate the rights of their respect- religions in their own houses.

Religious opinions.

he Consuls, respectively, shall have liberty and personal security n them to travel within the territories of each other by l and sea, and shall not be prevented from going on board vessel they may think proper to visit; they shall like- e have the liberty to appoint their own dragoman and broker.

Consuls may travel within the territories of each party, &c.

ARTICLE XVI.

Disputes arising from violation of Treaty.

In case of any dispute arising from the violation of any of the articles of this treaty no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen, shall not be able to settle the same, the Government of that country shall state their grievance in writing, and transmit the same to the Government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the Consuls, and citizens, and subjects of both parties, respectively, shall be permitted to embark with their effects unmolested on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

ARTICLE XVII.

Prisoners of war.

If, in the course of events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves; they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safe-keeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture; and the exchange may be effected by any private individual legally authorized by either of the parties.

ARTICLE XVIII.

Case of war between United States and third party. Treatment of prizes.

If any of the Barbary Powers, or other States at war with the United States, shall capture any American vessel and send her into any port of the Regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshment of any kind, and to sell such prizes in the said ports, without paying any other customs or duties than such as are customary on ordinary commercial importations.

ARTICLE XIX.

Settlement of disputes in general.

If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Government of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other nations having a Consul or Agent in Algiers, such disputes shall be settled by the Consuls or Agents of the respective nations; and any disputes or suits at law that may take place between any citizens of the United States and the subjects of the Regency of Algiers, shall be decided by the Dey in person, and no other.

ARTICLE XX.

Case of assault.

If a citizen of the United States should kill, wound or strike a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound or strike a citizen of the United States

law of the country shall take place, and equal justice shall be dered, the Consul assisting at the trial; but the sentence of punishnt against an American citizen shall not be greater or more severe n it would be against a Turk in the same predicament; and if any linquent should make his escape, the Consul shall not be responsible him in any manner whatever.

ARTICLE XXI.

The Consul of the United States of America shall not be required to y any customs or duties whatever on anything he imcts from a foreign country for the use of his house and nily. Free entry for Consul of United States

ARTICLE XXII.

Should any of the citizens of the United States of America die within Regency of Algiers, the Dey and his subjects shall not erfere with the property of the deceased, but it shall be der the immediate direction of the Consul, unless otherwise posed of by will. Should there be no Consul, the effects shall be posited in the hands of some person worthy of trust, until the party all appear who has a right to demand them, when they shall render account of the property; neither shall the Dey or his subjects give deration in the execution of any will that may appear. Citizens of United States dying within the Regency of Algiers.

ARTICLE ADDITIONAL AND EXPLANATORY.

The United States of America, in order to give to the Dey of Algiers proof of their desire to maintain the relations of peace l amity between the two powers upon a footing the most eral, and in order to withdraw any obstacle which might barrass him in his relations with other States, agree to annul so much the eighteenth article of the foregoing treaty as gives to the United ates any advantage in the ports of Algiers over the most favored tions having treaties with the Regency. Eighteenth article of the foregoing treaty.

Done at the palace of the Government, in Algiers, on the 22d day of cember, 1816, which corresponds to the third of the Moon Safar, year the Hegira 1232.

Whereas the undersigned William Shaler, a citizen of the State of New rk, and Isaac Chauncey, Commander in Chief of the Naval Forces the United States stationed in the Mediterranean, being duly apinted Commissioners, by letters-patent under the signature of the esident and seal of the United States of America, bearing date at the y of Washington, the 24th day of August, A. D. 1816, for negotiating d concluding the renewal of a treaty of peace between the United ates of America and the Dey and subjects of the Regency of Algiers, , therefore, William Shaler and Isaac Chauncey, Commissioners as resaid, do conclude the foregoing treaty, and every article and clause rein contained, reserving the same, nevertheless, for the final ratifiion of the President of the United States of America, by and with the vice and consent of the Senate of the United States.

Done in the chancery of the Consulate General of the United States, the city of Algiers, on the 23d day of December, in the year 1816, and the independence of the United States the forty-first.

SEAL.] WM. SHALER.
SEAL.] I. CHAUNCEY.

[The signature of the Dey is stamped at the beginning and end of the treaty.]

ARGENTINE CONFEDERATION.

1853.

TREATY FOR THE FREE NAVIGATION OF THE RIVERS PARANÁ AND URUGUAY.

Concluded July 10, 1853; *Ratifications exchanged at Paranà December* 20, 1854; *Proclaimed April* 9, 1855.

The President of the United States and His Excellency the Provisional Director of the Argentine Confederation, being desirous of strengthening the bonds of friendship which so happily subsist between their respective States and countries, and convinced that the surest means of arriving at this result is to take in concert all the measures requisite for facilitating and developing commercial relations, have resolved to determine by treaty the conditions of the free navigation of the rivers Paraná and Uruguay, and thus to remove the obstacles which have hitherto impeded this navigation. With this object they have named as their Plenipotentiaries, that is to say:

Negotiators.

The President of the United States, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, Chargé d'Affaires of the United States to the Argentine Confederation; and His Excellency the Provisional Director of the Argentine Confederation, Doctor Don Salvador Maria del Carril, and Doctor Don José Benjamin Gorostiaga;

Who, after having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I.

Free navigation of the Parana and Uruguay.

The Argentine Confederation, in the exercise of her sovereign rights, concedes the free navigation of the rivers Paraná and Uruguay, wherever they may belong to her, to the merchant vessels of all nations, subject only to the conditions which this treaty establishes, and to the regulations sanctioned, or which may hereafter be sanctioned, by the national authority of the Confederation

ARTICLE II.

Loading and unloading.

Consequently, the said vessel shall be admitted to remain, load and unload in the places and ports of the Argentine Confederation which are open for that purpose.

ARTICLE III.

Beacons and marks.

The Government of the Argentine Confederation, being desirous to provide every facility for interior navigation, agrees to maintain beacons and marks pointing out the channels.

ARTICLE IV.

A uniform system shall be established by the competent authorities of
ie confederation, for the collection of the custom-house du- Collection of du-
es, harbor, lights, police and pilotage dues, along the whole ties and dues.
ourse of the waters which belong to the Confederation.

ARTICLE V.

The high contracting parties, considering that the Island of Martin
arcia may, from its position, embarrass and impede the Government and
ee navigation of the confluents of the river Plate, agree possession of the island of Martin Garcia
use their influence to prevent the possession of the said
land from being retained or held by any State of the river Plate, or
s confluents, which shall not have given its adhesion to the principle
their free navigation.

ARTICLE VI.

If it should happen (which God forbid) that war should break out be-
veen any of the States, Republics or Provinces of the river Navigation of said
late or its confluents, the navigation of the rivers Paraná rivers in time of war.
id Uruguay shall remain free to the merchant flag of all nations, except-
g in what may relate to munitions of war, such as arms of all kinds,
inpowder, lead and cannon balls.

ARTICLE VII.

Power is expressly reserved to His Majesty the Emperor of Brazil, and
ie Governments of Bolivia, Paraguay and the Oriental State Other South Amer-
Uruguay to become parties to the present treaty, in case ican Governments may accede to this
ey should be disposed to apply its principles to the parts treaty.
the rivers Paraná, Paraguay and Uruguay, over which they may
spectively possess fluvial rights.

ARTICLE VIII.

The principal objects for which the rivers Paraná and Uruguay are
eclared free to the commerce of the world, being to extend Most favored na-
ie mercantile relations of the countries which border them, tion.
id to promote immigration, it is hereby agreed that no favor or immu-
ty shall be granted to the flag or trade of any other nation which shall
ot equally extend to those of the United States.

ARTICLE IX.

The present treaty shall be ratified on the part of the Government of
ie United States within fifteen months from its date, and Ratifications.
ithin two days by His Excellency the Provisional Director of
ie Argentine Confederation, who shall present it to the first Legislative
ongress of the Confederation, for their approbation.

The ratifications shall be exchanged at the seat of Government of the
rgentine Confederation, within the term of eighteen months.

In witness whereof, the respective Plenipotentiaries have signed this
reaty, and affixed thereto their seals.

Done at San José de Flores, on the tenth day of July, in the year of
ir Lord one thousand eight hundred and fifty-three.

[SEAL.] ROB'T C. SCHENCK.
[SEAL.] JNO. PENDLETON.
[SEAL.] SALVADOR MA. del CARRIL.
[SEAL.] JOSÉ B. GOROSTIAGA.

1853.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION.

Concluded July 27, 1853; Ratifications exchanged at Paraná December 20, 1854; Proclaimed April 9, 1855.

Commercial intercourse having been for some time established between the United States and the Argentine Confederation, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the two Governments, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signing to a treaty of friendship, commerce and navigation; for this purpose they have nominated their respective Plenipotentiaries, that is to say:

Negotiators.

The President of the United States, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, Chargé d'Affaires of the United States to the Argentine Confederation; and His Excellency the Provisional Director of the Argentine Confederation, Doctor Don Salvador Maria del Carril, and Doctor Don José Benjamin Gorostiaga;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Declaration of amity.

There shall be perpetual amity between the United States and their citizens on the one part, and the Argentine Confederation and its citizens on the other part.

ARTICLE II.

Freedom of commerce.

There shall be between all the territories of the United States and all the territories of the Argentine Confederation a reciprocal freedom of commerce. The citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports and rivers in the territories of either, to which other foreigners, or the ships or cargoes of any other foreign nation or State, are, or may be, permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; to hire and occupy houses and warehouses, for the purposes of their residence and commerce; to trade in all kinds of produce, manufactures and merchandise of lawful commerce; and generally to enjoy, in all their business, the most complete protection and security, subject to the general laws and usages of the two countries respectively.

Ships of war, post office and passenger packets.

In like manner, the respective ships of war, and post-office or passenger packets of the two countries, shall have liberty, freely and securely, to come to all harbors, rivers and places to which other foreign ships of war and packets are, or may be, permitted to come; to enter into the same, to anchor and remain there and refit, subject always to the laws and usages of the two countries respectively.

ARTICLE III.

Most favored nation.

The two high contracting parties agree that any favor, exemption, privilege or immunity whatever, in matters of commerce or navigation, which either of them has actually granted, or

ıy hereafter grant, to the citizens or subjects of any other govern-ent, nation or state, shall extend, in identity of cases and circum-nces, to the citizens of the other contracting party, gratuitously, if e concession in favor of that other government, nation or state, shall ve been gratuitous; or, in return for an equivalent compensation, if e concession shall have been conditional.

ARTICLE IV.

No higher or other duties shall be imposed on the importation into e territories of either of the two contracting parties of any icle of the growth, produce or manufacture of the terri-ies of the other contracting party, than are, or shall be, yable on the like article of any other foreign country; nor shall any ıer or higher duties or charges be imposed in the territories of either the contracting parties, on the exportation of any article to the terri-ies of the other, than such as are, or shall be, payable on the expor-ion of the like article to any other foreign country; nor shall any pro-ɔition be imposed upon the importation or exportation of any article the growth, produce or manufacture of the territories of either of the ntracting parties, to or from the territories of the other, which shall t equally extend to the like article of any other foreign country.

No discriminating duties on account of nationality of articles of import.

ARTICLE V.

No other or higher duties or charges, on account of tonnage, light or rbor dues, pilotage, salvage in case of average or ship-eck, or any other local charges, shall be imposed in the rts of the two contracting parties on the vessels of the other, than those yable in the same ports on its own vessels.

No discriminating duties on vessels.

ARTICLE VI.

The same duties shall be paid, and the same drawbacks and bounties owed, upon the importation or exportation of any article o or from the territories of the United States, or into or ɔm the territories of the Argentine Confederation, whether ch importation or exportation be made in vessels of the United States in vessels of the Argentine Confederation.

No discrimination in duties, drawbacks, and bounties on exports and imports.

ARTICLE VII.

The contracting parties agree to consider and treat as vessels of the ɔited States and of the Argentine Confederation all those nich, being furnished by the competent authority with a gular passport or sea-letter, shall, under the then existing laws and gulations of either of the two Governments, be recognized fully and *na fide* as national vessels, by that country to which they respectively long.

Proofs of nationality of vessels.

ARTICLE VIII.

All merchants, commanders of ships and others, citizens of the United ates, shall have full liberty, in all the territories of the rgentine Confederation, to manage their own affairs them-lves, or to commit them to the management of whomsoever ey please, as broker, factor, agent or interpreter; nor shall they be ɔliged to employ any other persons in those capacities than those em-

Privileges of citizens of both nations in business affairs.

ployed by citizens of the Argentine Confederation, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of the Argentine Confederation. And absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares or merchandise imported into, or exported from, the Argentine Confederation, as they shall see good, observing the laws and established customs of the country. The same rights and privileges, in all respects, shall be enjoyed in the territories of the United States, by the citizens of the Argentine Confederation. The citizens of the two contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries respectively, for the prosecution and defense of their just rights, and they shall be at liberty to employ in all cases such advocates, attorneys or agents as they may think proper; and they shall enjoy, in this respect, the same rights and privileges therein as native citizens.

ARTICLE IX.

Police of ports.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods and effects, and to the acquiring and disposing of property of every sort and denomination, either by sale, donation, exchange, testament or in any other manner whatsoever, as also to the administration of justice, the citizens of the two contracting parties shall reciprocally enjoy the same privileges, liberties and rights, as native citizens; and they shall not be charged, in any of those respects, with any higher imposts or duties than those which are paid, or may be paid, by native citizens, submitting, of course, to the local laws and regulations of each country respectively.

Death of citizens of one nation in territory of the other.

If any citizen of either of the two contracting parties shall die without will or testament, in any of the territories of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul, in his absence, shall have the right to intervene in the possession, administration and judicial liquidation of the estate of the deceased, conformably with the laws of the country, for the benefit of the creditors and legal heirs.

ARTICLE X.

Military service, forced loans, and taxes.

The citizens of the United States residing in the Argentine Confederation, and the citizens of the Argentine Confederation residing in the United States, shall be exempted from all compulsory military service whatsoever, whether by sea or by land, and from all forced loans, requisitions or military exactions; and they shall not be compelled, under any pretext whatever, to pay any ordinary charges, requisitions or taxes, greater than those that are paid by native citizens of the contracting parties respectively.

ARTICLE XI.

Liberty to appoint Consuls.

It shall be free for each of the two contracting parties to appoint Consuls, for the protection of trade, to reside in any of the territories of the other party; but, before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the contracting par

may except from the residence of Consuls such particular places as y judge fit to be excepted.

he archives and papers of the consulates of the respective Governits shall be respected inviolably, and under no pretext whatever ll any magistrate, or any of the local authorities, seize, or in any way erfere with them.

he Diplomatic Agents and Consuls of the Argentine Confederation ll enjoy, in the territories of the United States, whatever rileges, exemptions and immunities are, or shall be, nted to agents of the same rank, belonging to the most ored nation; and, in like manner, the Diplomatic Agents and Cons of the United States, in the territories of the Argentine Confedera, shall enjoy, according to the strictest reciprocity, whatever privies, exemptions and immunities are, or may be, granted in the gentine Confederation to the Diplomatic Agents and Consuls of the st favored nation.

Most favored nation privileges accorded to Diplomatic Agents and Consuls.

ARTICLE XII.

or the better security of commerce between the United States and Argentine Confederation, it is agreed that if, at any e, any interruption of friendly commercial intercourse, any rupture, should unfortunately take place between two contracting parties, the citizens of either of them, residing in territories of the other, shall have the privilege of remaining and tinuing their trade or occupation therein, without any manner of erruption, so long as they behave peaceably and commit no offense inst the laws; and their effects and property, whether intrusted to ividuals or to the State, shall not be liable to seizure or sequestran, or to any other demands than those which may be made upon the e effects or property belonging to the native inhabitants of the State which such citizens may reside.

Treatment of citizens of one nation in the territory of the other in time of war.

ARTICLE XIII.

The citizens of the United States, and the citizens of the Argentine nfederation, respectively, residing in any of the territos of the other party, shall enjoy, in their houses, persons d properties, the full protection of the Government. They shall not be disturbed, molested nor annoyed in any manner, on count of their religious belief, nor in the proper exercise their peculiar worship, either within their own houses or their own churches or chapels, which they shall be at liberty to build d maintain, in convenient situations, to be approved of by the local overnment, interfering in no way with, but respecting the religion and stoms of the country in which they reside. Liberty shall also be anted to the citizens of either of the contracting parties to bury those no may die in the territories of the other, in burial places of their own, nich, in the same manner, may be freely established and maintained.

Privileges of citizens of one nation in territory of the other.

Religious privileges.

ARTICLE XIV.

The present treaty shall be ratified on the part of the Government the United States within fifteen months from the date, nd within three days by His Excellency the Provisional irector of the Argentine Confederation, who will also present it to the rst Legislative Congress of the Confederation, for their approval.

Ratifications.

The ratifications shall be exchanged at the seat of Government of the Argentine Confederation within the term of eighteen months.

In witness whereof, the respective Plenipotentiaries have signed this treaty, and affixed thereto their seals.

Done at San José, on the twenty-seventh day of July, in the year of our Lord one thousand eight hundred and fifty-three.

[SEAL.]	ROBERT C. SCHENCK.
[SEAL.]	JNO. PENDLETON.
[SEAL.]	SALVADOR MA. del CARRIL.
[SEAL.]	JOSÉ B. GOROSTIAGA.

AUSTRIA—HUNGARY.

1829.

TREATY OF COMMERCE AND NAVIGATION.

ncluded August 27, 1829; *Ratifications exchanged at Washington February* 10, 1831; *Proclaimed February* 10, 1831.

The United States of America and His Majesty the Emperor of Aus-ia, King of Hungary and Bohemia, equally animated with the desire maintaining the relations of good understanding which have hith-to so happily subsisted between their respective States, of extend-g, also, and consolidating the commercial intercourse between them, id convinced that this object cannot better be accomplished than adopting the system of an entire freedom of navigation and a per-ct reciprocity, based upon principles of equity equally beneficial to oth countries, have, in consequence, agreed to enter into negotiations r the conclusion of a treaty of commerce and navigation, for which urpose the President of the United States has conferred full powers i Martin Van Buren, their Secretary of State; and His Majesty the mperor of Austria has conferred like powers on Lewis, Baron de ederer, his said Majesty's Consul for the port of New York, and the id Plenipotentiaries having exchanged their said full powers, found in ood and due form, have concluded and signed the following articles:

ARTICLE I.

There shall be between the territories of the high contracting parties a eciprocal liberty of commerce and navigation. The inhab- Freedom of commerce and navigation.
ants of their respective States shall mutually have liberty o enter the ports, places and rivers of the territories of each party, herever foreign commerce is permitted. They shall be at liberty to ojourn and reside in all parts whatsoever of said territories, in order o attend to their commercial affairs; and they shall enjoy, to that effect, ie same security, protection and privileges as natives of the country herein they reside, on condition of their submitting to the laws and rdinances there prevailing.

ARTICLE II.

Austrian vessels arriving, either laden or in ballast, in the ports of the Jnited States of America, and, reciprocally, vessels of the No discrimination in tonnage duties.
Jnited States arriving, either laden or in ballast, in the ports f the dominions of Austria, shall be treated on their entrance, during heir stay, and at their departure, upon the same footing as national essels coming from the same place, with respect to the duties of ton-age, light-houses, pilotage and port charges, as well as to the fees and erquisites of public officers and all other duties or charges of whatever ind or denomination, levied in the name, or to the profit of the Govern-ient, the local authorities, or of any private establishment whatsoever.

ARTICLE III.

No discrimination in duties on imports.

All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the dominions of Austria, in Austrian vessels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Austrian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the dominions of Austria, or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Austrian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

ARTICLE IV.

Preceding stipulations mutually applicable.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles are, to their full extent, applicable to Austrian vessels and their cargoes arriving in the ports of the United States of America; and, reciprocally, to vessels of the said States and their cargoes arriving in the ports of the dominions of Austria, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V.

Most favored nation.

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of the dominions of Austria; and no higher or other duties shall be imposed on the importation into the dominions of Austria of any article the produce or manufacture of the United States, than are or shall be payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of the dominions of Austria, to or from the ports of the United States, or to or from the ports of the dominions of Austria, which shall not equally extend to all other nations.

ARTICLE VI.

No discrimination in duties, bounties, and drawbacks on exports.

All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported or re-exported from the ports of the said United States in national vessels, may also be exported or re-exported therefrom in Austrian vessels, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments what-

ever, than if the same merchandise or produce had been exported or re-exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the dominions of Austria, so that all kind of merchandise and articles of commerce either the produce of the soil or of the industry of the said dominions of Austria, or of any other country, which may be lawfully exported or re-exported from Austrian ports in national vessels, may also be exported or re-exported therefrom in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported or re-exported in Austrian vessels.

And the same bounties and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one party or of the other.

ARTICLE VII.

Coasting trade.

It is expressly understood and agreed that the coastwise navigation of both the contracting parties is altogether excepted from the operation of this treaty, and of every article thereof.

ARTICLE VIII.

No discrimination in purchase of imports on account of nationality of vessels importing same.

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation or agent, acting on their behalf or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to the character of the vessel, whether it be of the one party or of the other, in which such article was imported, it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE IX.

Most favored nation.

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

ARTICLE X.

Liberty to appoint Consuls.

The two contracting parties hereby reciprocally grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consuls shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation are subject in the same place, in respect of their commercial transactions.

ARTICLE XI.

Property of citizens of one nation in territory of the other.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation or otherwise; and their representatives,

being citizens or subjects of the other party, shall succeed to their personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues, taxes or charges only, as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if any question should arise among several claimants to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. But this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published, by His Majesty the Emperor of Austria, to prevent the emigration of his subjects.

ARTICLE XII.

Duration of the treaty.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE XIII.

Ratifications.

This treaty shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the Emperor of Austria; and the ratifications shall be exchanged in the city of Washington, within twelve months from the date of the signature hereof,* or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed and sealed this treaty, both in the English and German languages, declaring, however, that, it having been originally composed in the former, the English version is to decide the interpretation, should any difference in regard to it unfortunately arise.

Done in triplicate, at Washington, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and twenty-nine.

[SEAL.] M. VAN BUREN.
[SEAL.] L. BARON de LEDERER.

* This period was extended, with the advice and consent of the Senate, expressed in its resolution of February 3, 1831, and with the consent of the Emperor of Austria, expressed by his Minister in his certificate of the exchange of ratifications, February 10, 1831.

1848.

CONVENTION RELATIVE TO DISPOSAL OF PROPERTY, BEING THE EXTENSION OF CERTAIN STIPULATIONS CONTAINED IN THE TREATY OF COMMERCE AND NAVIGATION OF 27th AUGUST, 1829.

Concluded May 8, 1848; *Ratifications exchanged at Washington February* 23, 1850; *Proclaimed February* 25, 1850.

The United States of America and His Majesty the Emperor of Austria having agreed to extend to all descriptions of property the exemption from dues, taxes or charges, which was secured to the personal goods of their respective citizens and subjects by the eleventh article of the treaty of commerce and navigation which was concluded between the parties on the 27th of August, 1829, and also for the purpose of increasing the powers granted to their respective Consuls by the tenth article of said treaty of commerce and navigation, have named for this purpose their respective Plenipotentiaries, namely:

The President of the United States of America has conferred full powers on James Buchanan, Secretary of State of the United States; and His Majesty the Emperor of Austria upon his chargé d'Affaires to the United States, John George Hülsemann; Negotiators.

Who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

ARTICLE I.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation or otherwise; and their heirs, legatees and donees, being citizens or subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country, where the said property lies, shall be liable to pay in like cases. Property of citizens of one nation in territory of the other.

ARTICLE II.

Where, on the death of any person holding real property, or property not personal, within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged, according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from any other charges than those which may be imposed in like cases upon the inhabitants of the country from which such proceeds may be withdrawn. Death of citizens of one nation in territory of the other.

ARTICLE III.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives Property of absent heirs.

of the country, until the lawful owner or the person who has a right to sell the same, according to Article II., may take measures to receive or dispose of the inheritance.

ARTICLE IV.

Liberty to appoint Consuls.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Commercial Agents and Vice-Commercial Agents, of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

Settlement of disputes between masters and crews.

The said Consuls, Vice-Consuls, Commercial and Vice-Commercial Agents shall have the right as such to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents, should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

Deserters.

The said Consuls, Vice-Consuls, Commercial Agents and Vice-Commercial Agents, are authorized to require the assistance of the local authorities for the search, arrest and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply in writing to the competent tribunals, judges and officers, and shall demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals form legally part of the crews; and, on such claim being substantiated, the surrender shall not be refused.

Such deserters when arrested shall be placed at the disposal of the said Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. If, however, the deserter shall be found to have committed any crime or offense requiring trial, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE V.

Duration of treaty.

The present treaty shall continue in force for two years, counting from the day of the exchange of its ratifications; and if, twelve months before the expiration of that period, neither of the high contracting parties shall have announced by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE VI.*

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of the Senate thereof, and of His Majesty the Emperor of Austria; and the ratifications thereof shall be exchanged in Washington within the term of one year from the date of the signature thereof, or sooner if possible. Ratifications.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in German as in English, and have thereto affixed their seals.

Done in the city of Washington, on the eighth day of May, one thousand eight hundred and forty-eight, in the seventy-second year of the independence of the United States of America, and in the fourteenth year of the reign of His Majesty the Emperor of Austria.

[SEAL.] JAMES BUCHANAN.
[SEAL.] HÜLSEMANN.

1856.

CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVES FROM JUSTICE.

Concluded July 3, 1856; *Ratifications exchanged at Washington December* 13, 1856; *Proclaimed December* 15, 1856.

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties, respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; and whereas the laws of Austria forbid the surrender of its own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States; therefore, on the one part the United States of America, and on the other part His Majesty the Emperor of Austria, having resolved to treat on this subject, have, for that purpose, appointed their respective Plenipotentiaries, to negotiate and conclude a convention; that is to say:

The President of the United States, William L. Marcy, Secretary of State; and His Majesty the Emperor of Austria, John George Chevalier de Hülsemann, his said Majesty's Minister Resident near the Government of the United States; who, after reciprocal Negotiators.

Resolution of the Senate of the United States, February 13, 1850.

Whereas the time limited by the sixth article of the convention for the extension of certain stipulations contained in the treaty of commerce and navigation of August 27, 1829, between the United States of America and His Majesty the Emperor of Austria, concluded at the city of Washington the 8th May, 1848, has expired before the ratification of the said convention by the Senate: Be it, therefore,

Resolved, (*two-thirds of the Senators present concurring*,) That the Senate advise and consent to the exchange of ratifications of the convention aforesaid, at any time prior to the 4th day of July next, whenever the same shall be offered by His Majesty the Emperor of Austria, and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitation contained in said convention to the contrary notwithstanding.

Attest: ASBURY DICKINS, *Secretary*.

communication of their respective powers, have agreed to and signed the following articles:

ARTICLE I.

It is agreed that the United States and Austria shall, upon mutual requisitions by them or their ministers, officers or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum or shall be found within the territories of the other:

Evidence.

Provided, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

Expenses.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive. The provisions of the present convention shall not be applied, in any manner, to the crimes enumerated in the first article committed anterior to the date thereof nor to any crime or offense of a political character.

ARTICLE II.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

Neither nation to deliver its citizens.

ARTICLE III.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up, under the stipulations of this convention, until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

Persons who have committed crimes in the State to which they have fled.

ARTICLE IV.

The present convention shall continue in force until the first of January, eighteen hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the

Duration of treaty.

high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, 1858.

ARTICLE V.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of Austria, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible. Ratifications.

In faith whereof the respective Plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate at Washington, the third day of July, in the year of our Lord one thousand eight hundred and fifty-six, and of the Independence of the United States the eighteenth.

[SEAL.] W. L. MARCY.
[SEAL.] HÜLSEMANN.

1870.

CONVENTION CONCERNING THE RIGHTS, PRIVILEGES AND IMMUNITIES OF CONSULS.

Concluded July 11, 1870; *Ratifications exchanged at Washington June* 26, 1871; *Proclaimed June* 29, 1871.

The President of the United States of America, and His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, animated by the desire to define in a comprehensive and precise manner the reciprocal rights, privileges and immunities of the Consuls-General, Consuls, Vice-Consuls and Consular Agents (their Chancellors and Secretaries) of the United States of America and of the Austro-Hungarian Monarchy, and to determine their duties and their respective sphere of action, have agreed upon the conclusion of a consular convention, and for that purpose have appointed their respective Plenipotentiaries, namely: the President of the United States of America, Hamilton Fish, Secretary of State of the United States; and His Majesty the Emperor of Austria, Apostolic King of Hungary, Charles, Baron von Lederer, Knight of the Imperial and Royal Order of Leopold, and His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the United States of America, who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles: Negotiators.

ARTICLE I.

Each of the high contracting parties shall be at liberty to establish Consuls-General, Consuls, Vice-Consuls or Consular Agents at the ports and places of trade of the other party, except those where it may not be convenient to recognize such officers; but this exception shall not apply to one of the high contracting parties without also applying to every other Power. Consuls-General, Consuls and other Consular officers appointed and taking office according to the provisions of this article, in one or the other of the two countries, shall be free to exercise the right accorded them by the present con- Liberty to appoint Consuls.

vention throughout the whole of the district for which they may be respectively appointed. The said functionaries shall be admitted and recognized respectively upon presenting their credentials in accordance with the rules and formalities established in their respective countries. The exequatur required for the free exercise of their official duties shall be delivered to them free of charge; and upon exhibiting such exequatur they shall be admitted at once and without interference by the authorities, Federal or State, judicial or executive, of the ports, cities and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted.

Exequaturs.

ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls and Consular Agents, their chancellors, and other Consular Officers, if they are citizens of the State which appoints them, shall be exempt from military billetings, from service in the military or the national guard, and other duties of the same nature, and from all direct and personal taxation, whether federal, state or municipal, provided they be not owners of real estate, and neither carry on trade nor any industrial business.

Rights of Consuls, citizens of the States appointing them.

If, however, they are not citizens of the State which appoints them, or if they are citizens of the State in which they reside, or if they own property, or engage in any business there that is taxed under any laws of the country, then they shall be subject to the same taxes, charges and assessments as other private individuals. They shall, moreover, enjoy personal immunities, except for acts regarded as crimes by the laws of the country in which they reside. If they are engaged in commerce, personal detention can be resorted to in their case only for commercial liabilities, and then in accordance only with general laws, applicable to all persons alike.

Rights of Consuls, not citizens of States appointing them.

ARTICLE III.

Consuls-General, Consuls and their Chancellors, Vice-Consuls and Consular Officers, if citizens of the country which appoints them, shall not be summoned to appear as witnesses before a court of justice, except when, pursuant to law, the testimony of a consul may be necessary for the defence of a person charged with crime. In other cases the local court, when it deems the testimony of a Consul necessary, shall either go to his dwelling to have the testimony taken orally, or shall send there a competent officer to reduce it to writing, or shall ask of him a written declaration.

Evidence of Consuls in courts of justice

ARTICLE IV.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall be at liberty to place over the chief entrance of their respective offices the arms of their nation, with the inscription: "Consulate General", "Consulate", "Vice-Consulate" or "Consular Agency", as may be. They shall also be at liberty to hoist the flag of their country on the consular edifice, except when they reside in a city where the legation of their Government may be established. They shall also be at liberty to hoist their flag on board the vessel employed by them in port for the discharge of their duty.

Arms and flags.

ARTICLE V.

The consular archives shall be at all times inviolable, and under no pretence whatever shall the local authorities be allowed to examine or seize the papers forming part of them. Consular archives.

ARTICLE VI.

In the event of incapacity, absence, or death of Consuls-General, Consuls, Vice-Consuls, their Consular Pupils, Chancellors or Secretaries, whose official character may have been previously made known to the respective authorities in the United States, or in the Austro-Hungarian Empire, shall be admitted at once to the temporary exercise of the consular functions, and they shall, for the duration of it, enjoy all the immunities, rights and privileges conferred upon them by the convention. Death of Consuls.

ARTICLE VII.

Consuls-General and Consuls shall have the power to appoint Vice-Consuls and Consular Agents in the cities, ports and towns within their consular districts, subject, however, to the approbation of the Government of the country where they reside. These Vice-Consuls and Consular Agents may be selected indiscriminately from among citizens of the two countries or from foreigners, and they shall be furnished with a commission issued by the appointing Consul, under whose orders they are to be placed. They shall enjoy the privileges and liberties stipulated in this convention. To Vice-Consuls and to Consular Agents who are not citizens of the State which appoints them, the privileges and immunities specified in Article II. shall not extend. Power of Consuls to appoint Vice-Consuls.

ARTICLE VIII.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of the two countries may, in the exercise of their duties, apply to the authorities within their district, whether federal or local, judicial or executive, in the event of any infraction of the treaties and conventions between the two countries; also for the purpose of protecting the rights of their countrymen. Should the said authorities fail to take due notice of their application, they shall be at liberty, in the absence of any diplomatic representative of their country, to apply to the Government of the country where they reside. Application of Consuls to governmental authorities.

ARTICLE IX.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of the two countries, also their chancellors, shall have the right to take at their office, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own nation, of passengers on board of them, of merchants, or any other citizens of their own country. They shall have the power also to receive and verify, conformably to the laws and regulations of their country: 1st. Wills and bequests of their countrymen, and all such acts and contracts between their countrymen as are intended to be drawn up in an authentic form, and verified. 2nd. Any and all acts of agreement entered upon between citizens of their own country and inhabitants of the country where they reside. All such acts of agreement, and other Verification and custody of certain papers.

instruments, and also copies thereof, when duly authenticated by such Consul-General, Consul, Vice-Consul or Consular Agent under his official seals, shall be received in courts of justice as legal documents, or as authenticated copies, as the case may be, and shall have the same force and effect as if drawn up by competent public officers of one or the other of the two countries. Consuls-General, Consuls, Vice-Consuls or Consular Agents of the respective countries shall have the power to translate and legalize all documents issued by the authorities or functionaries of their own country, and such papers shall have the same force and effect in the country where the aforesaid officers reside as if drawn up by sworn interpreters.

ARTICLE X.

Rights of Consuls relative to vessels of their countries, their masters and crews.

Consuls-General, Consuls, Vice-Consuls or Consular Agents shall be at liberty to go on board the vessels of their nation admitted to entry, either in person or by proxy, and to examine the captain and crew, to look into the register of the ship, to receive declarations with reference to their voyage, their destination, and the incidents of the voyage; also, to draw up manifests, lists of freight, to assist in despatching their vessels, and finally to accompany the said captains or crews before the courts and before the administrative authorities, in order to act as their interpreters or agents in their business transactions or applications of any kind. The judicial authorities and custom-house officials shall in no case proceed to the examination or search of merchant vessels without previous notice to the consular authority of the nation to which the said vessels belong, in order to enable them to be present.

They shall also give due notice to Consuls, Vice-Consuls or Consular Agents, in order to enable them to be present at any depositions or statements to be made in courts of law, or before local magistrates, by captains or persons composing the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice.

The notice to Consuls, Vice-Consuls or Consular Agents shall name the hour fixed for such proceedings, and upon the non-appearance of the said officers or their representatives, the case shall be proceeded with in their absence.

ARTICLE XI.

Settlement of disputes between masters and crews.

Consuls, Vice-Consuls or Consular Agents, shall have exclusive charge of the internal order of the merchant vessels of their nation. They shall have therefore the exclusive power to take cognizance of and to settle all differences which may arise at sea or in port between captains, officers and crews in reference to wages and the execution of mutual contracts, subject in each case to the laws of their own nation. The local authorities shall in no way interfere, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance, except as aforesaid, the local authorities shall confine themselves to the rendering of forcible assistance if required by the Consuls, Vice-Consuls or Consular Agents, and shall cause the arrest, temporary imprisonment and removal on board his own vessel of every person whose name is found on the muster-rolls or register of the ship or list of the crew.

ARTICLE XII.

Consuls-General, Consuls, Vice-Consulsor Consular Agents, shall have the power to cause the arrest of all sailors or all other persons belonging to the crews of vessels of their nation who may be guilty of having deserted on the respective territories of the high contracting Powers, and to have them sent on board or back to their native country. To that end they shall make a written application to the competent local authority, supporting it by the exhibition of the ship's register and list of the crew, or else, should the vessel have sailed previously, by producing an authenticated copy of these documents, showing that the persons claimed really do belong to the ship's crew. Upon such request the surrender of the deserter shall not be refused. Every aid and assistance shall, moreover, be granted to the said consular authorities for the detection and arrest of deserters, and the latter shall be taken to the prisons of the country and there detained at the request and expense of the consular authority until there may be an opportunity for sending them away. The duration of this imprisonment shall not exceed the term of three months, at the expiration of which time, and upon three days' notice to the consul, the prisoner shall be set free, and he shall not be liable to rearrest for the same cause. Should, however, the deserter have committed on shore an indictable offence, the local authorities shall be free to postpone his extradition until due sentence shall have been passed and executed. The high contracting parties agree that seamen, or other individuals forming part of the ship's crew, who are citizens of the country in which the desertion took place, shall not be affected by the provisions of this article.

Deserters.

ARTICLE XIII.

In all cases where no other agreement to the contrary exists between owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter the respective ports voluntarily or by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls or Consular Agents of their respective nation, provided no interests of citizens of the country where the said functionaries reside, nor of citizens of a third Power are concerned. In that case, and in the absence of a friendly compromise between all parties interested, the adjudication shall take place under supervision of the local authorities.

Settlement of damages suffered at sea by vessels of either nation.

ARTICLE XIV.

In the event of a vessel belonging to the Government, or owned by a citizen of one of the two contracting States, being wrecked or cast on shore upon the coast of the other, the local authorities shall inform the Consuls-General, Consuls, Vice-Consuls or Consular Agents of the district of the occurrence, or if such Consular Agency does not exist, they shall communicate with the Consul-General, Consul, Vice-Consul or Consular Agent of the nearest district.

Shipwrecks.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in Austro-Hungarian waters shall be directed by the United States Consuls-General, Consuls, Vice-Consuls or Consular Agents; also all proceedings relative to the salvage of Austro-Hungarian vessels wrecked or cast on shore in American waters, shall be directed by Austro-Hungarian Consuls-General, Consuls, Vice-Consuls or Consular Agents.

Salvage.

An interference of the local authorities in the two countries shall take

place for the purpose only of assisting the consular authorities in maintaining order and protecting the rights of salvors not belonging to the crew; also for enforcing the regulations relative to the import or export of the merchandise saved.

In the absence and until the arrival of the Consuls-General, Consuls, Vice-Consuls or Consular Agents, or their duly appointed delegates, the local authorities shall take all the necessary measures for the protection of persons and preservation of the property saved from the wreck.

No charges shall be made for the interference of the local authorities in such cases, except for expenses incurred through salvage and the preservation of property saved, also for those expenses which, under similar circumstances, vessels belonging to the country where the wreck happens would have to incur.

In case of a doubt concerning the nationality of the wrecks, the local authorities shall have exclusively the management and execution of the provisions laid down in the present article.

The high contracting parties also agree that all merchandise and goods not destined for consumption in the country in which the wreck takes place shall be free of all duties.

ARTICLE XV.

Most favored nation privileges accorded to Consuls.

Consuls-General, Consuls, Vice-Consuls and Consular Agents, also Consular Pupils, Chancellors and Consular Officers shall enjoy in the two countries all the liberties, prerogatives, immunities and privileges granted to functionaries of the same class of the most favored nation.

ARTICLE XVI.

Death of citizens of one nation in territory of the other.

In case of the death of a citizen of the United States in the Austro-Hungarian Monarchy, or of a citizen of the Austro Hungarian Monarchy in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the State to which the deceased belonged of the circumstance, in order that the necessary information may be immediately forwarded to the parties interested.

ARTICLE XVII.

Duration of convention.

The present convention shall remain in force for the space of ten years from the date of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of ten months, or sooner, if possible.*

In case neither of the contracting parties gives notice before the expiration of the said term of his intention not to renew this convention, it shall remain in force a year longer, and so on, from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In testimony whereof the respective Plenipotentiaries have signed this convention, and hereunto affixed their respective seals.

Done in duplicate at Washington, the eleventh day of July, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] HAMILTON FISH.
[SEAL.] LEDERER.

* By resolution of the Senate the time for exchange of ratifications was extended three months.

1870.

CONVENTION CONCERNING NATURALIZATION.

Concluded September 20, 1870; *Ratifications exchanged at Vienna July* 14, 1871; *Proclaimed August* 1, 1871.

The President of the United States of America, and His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to the territories of the Austro-Hungarian Monarchy, and from the Austro-Hungarian Monarchy to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a Convention, that is to say:

The President of the United States of America, John Jay, Envoy Extraordinary and Minister Plenipotentiary from the United States to His Imperial and Royal Apostolic Majesty; and His Majesty the Emperor of Austria, etc., Apostolic King of Hungary, the Count Frederick Ferdinand de Beust, His Majesty's Privy Counsellor and Chamberlain, Chancellor of the Empire, Minister of the Imperial House and of Foreign Affairs, Grand Cross of the Orders of St. Stephen and Leopold, who have agreed to and signed the following articles: Negotiators

ARTICLE I.

Citizens of the Austro-Hungarian Monarchy who have resided in the United States of America uninterruptedly at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the Government of Austria and Hungary to be American citizens, and shall be treated as such. Requirements for naturalization.

Reciprocally, citizens of the United States of America who have resided in the territories of the Austro-Hungarian Monarchy, uninterruptedly at least five years, and during such residence have become naturalized citizens of the Austro-Hungarian Monarchy, shall be held by the United States to be citizens of the Austro-Hungarian Monarchy, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country committed before his emigration, saving always the limitation established by the laws of his original country and any other remission of liability to punishment. Offences committed before emigration.

In particular, a former citizen of the Austro-Hungarian Monarchy, who, under the first article, is to be held as an American citizen, is liable to trial and punishment, according to the laws of Austro-Hungary, for non-fulfilment of military duty: 1st. If he has emigrated, after having been drafted at the time of conscription, and thus having become enrolled as a recruit for service in the standing army.

2d. If he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time. Violation of military laws.

3d. If, having a leave of absence for an unlimited time, or belonging

to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out. On the other hand, a former citizen of the Austro-Hungarian Monarchy, naturalized in the United States, who by, or after, his emigration has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one, two and three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfilment of his military duty.

ARTICLE III.

Treaties of 3d July, 1856, and 8th May, 1848, remain in force.

The convention for the mutual delivery of criminals, fugitives from justice, concluded on the 3d July, 1856, between the Government of the United States of America on the one part, and the Austro-Hungarian Monarchy on the other part, as well as the additional convention, signed on the 8th May, 1848, to the treaty of commerce and navigation concluded between the said Governments on the 27th of August, 1839 [1829], and especially the stipulations of Article IV. of the said additional convention concerning the delivery of the deserters from the ships of war and merchant vessels, remain in force without change.

ARTICLE IV.

Renunciation of citizenship.

The emigrant from the one State, who, according to Article I., is to be held as a citizen of the other State, shall not, on his return to his original country, be constrained to resume his former citizenship; yet, if he shall of his own accord reacquire it, and renounce the citizenship obtained by naturalization, such a renunciation is allowable, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

ARTICLE V.

Duration of convention.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

Ratifications.

The present convention shall be ratified by the President of the United States, by and with the consent of the Senate of the United States, and by His Majesty the Emperor of Austria, etc., King of Hungary, with the constitutional consent of the two Legislatures of the Austro-Hungarian Monarchy, and the ratifications shall be exchanged at Vienna within twelve months from the date hereof.

In faith whereof the Plenipotentiaries have signed this convention as well in German as in English, and have thereto affixed their seals.

Done at Vienna the twentieth day of September, in the year of our Lord one thousand eight hundred and seventy, in the ninety-fifth year of the Independence of the United States of America, and in the twenty-second year of the reign of His Imperial and Royal Apostolic Majesty.

[SEAL.] JOHN JAY.
[SEAL.] BEUST.

1871.

CONVENTION RELATIVE TO TRADE-MARKS.

Concluded November 25, 1871; *Ratifications exchanged at Vienna April* 22, 1872; *Proclaimed June* 1, 1872.

The United States of America and his Majesty the Emperor of Austria, King of Bohemia etc., and Apostolic King of Hungary, desiring to secure in their respective territories, a guarantee of property in trade marks, have resolved to conclude a special convention for this purpose, and have named as their Plenipotentiaries:

The President of the United States of America, John Jay, their Envoy Extraordinary and Minister Plenipotentiary from the United States of America to His Imperial and Royal Apostolic Majesty; and His Majesty the Emperor of Austria and Apostolic King of Hungary; the Count Julius Andrássy of Csik Szent Király and Kraszna Horka, His Majesty's Privy Counsellor and Minister of the Imperial House and of Foreign Affairs, Grand Cross of the Order of St. Stephen, &c., &c., &c., who have agreed to sign the following articles.

ARTICLE I.

Every reproduction of trade-marks which in the countries or territories of the one of the contracting parties are affixed to certain merchandize to prove its origin and quality is forbidden in the countries or territories of the other of the contracting parties, and shall give to the injured party ground for such action or proceedings to prevent such reproduction, and to recover damages for the same, as may be authorized by the laws of the country in which the counterfeit is proven, just as if the plaintiff were a citizen of that country.

Counterfeiting trade-marks.

The exclusive right to use a trade-mark for the benefit of citizens of the United States in the Austro-Hungarian Empire, or of citizens of the Austro-Hungarian Monarchy in the territory of the United States, cannot exist for a longer period than that fixed by the law of the country for its own citizens. If the trade-mark has become public property in the country of its origin, it shall be equally free to all in the countries or territories of the other of the two contracting parties.

Duration of exclusive right to trade-marks.

Trade-mark having become public property, shall be free to all.

ARTICLE II.

If the owners of trade marks, residing in the countries or territories of the one of the contracting parties, wish to secure their rights in the countries or territories of the other of the contracting parties, they must deposit duplicate copies of those marks in the Patent Office at Washington and in the Chambers of Commerce and Trade in Vienna and Pesth.

Registration.

ARTICLE III.

Duration of convention.

The present arrangement shall take effect ninety days after the exchange of ratifications, and shall continue in force for ten years from this date.

In case neither of the high contracting parties gives notice of its intention to discontinue this Convention twelve months before its expiration, it shall remain in force one year from the time that either of the high contracting parties announces its discontinuance.

ARTICLE IV.

Ratifications.

The ratifications of this present Convention shall be exchanged at Vienna within twelve months or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present Convention as well in English as in German and Hungarian, and have affixed thereto their respective seals.

Done at Vienna the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and seventy-one, in the ninety-sixth year of the Independence of the United States of America, and in the twenty-third year of the reign of His Imperial and Royal Apostolic Majesty.

[SEAL.] JOHN JAY.
[SEAL.] ANDRÁSSY.

BADEN.

1857.

ONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVES FROM JUSTICE.

oncluded January 30, 1857; *Ratifications exchanged at Berlin April* 21, 1857; *Proclaimed May* 19, 1857.

Whereas it is found expedient, for the better administration of justice nd the prevention of crime within the territories and jurisdiction of the arties, respectively, that persons committing certain heinous crimes, eing fugitives from justice, should, under certain circumstances, be eciprocally delivered up; and also to enumerate such crimes explicitly; nd whereas the laws and constitution of Baden do not allow its Gov- rnment to surrender its own citizens to a foreign jurisdiction, the overnment of the United States, with a view of making the conven- on strictly reciprocal, shall be held equally free from any obligation o surrender citizens of the United States; therefore, on the one part he United States of America, and on the other part His Royal High- ess the Grand Duke of Baden, having resolved to treat on this sub- ect, have, for that purpose, appointed their respective Plenipotentiaries o negotiate and conclude a convention; that is to say:

The President of the United States of America, Peter D. Vroom, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the Kingdom of Prussia; Negotiators.

nd His Royal Highness the Grand Duke of Baden, Adolph, Baron Iarschall de Bieberstein, His said Royal Highness's Envoy Extraor- inary and Minister Plenipotentiary at the Court of His Majesty the Cing of Prussia, &c., &c., &c.;

Who, after reciprocal communication of their respective powers, have greed to and signed the following articles:

Article I.

It is agreed that the United States and Baden shall, upon mutual equisitions by them, or their ministers, officers, or authorities, respect- vely made, deliver up to justice all persons who, being charged with he crime of murder, or assault with intent to commit murder, or iracy, or arson, or robbery, or forgery, or the fabrication or circulation f counterfeit money, whether coin or paper money, or the embezzle- ient of public moneys, committed within the jurisdiction of either arty, shall seek an asylum, or shall be found within the territories of he other: *Provided*, That this shall only be done upon such evidence f criminality as, according to the laws of the place where the fugi- ive or person so charged shall be found, would justify his apprehen- ion and commitment for trial, if the crime or offense had there been ommitted; and the respective judges and other magistrates of the two

Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

Expenses.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

Nothing in this article contained shall be construed to extend to crimes of a political character.

ARTICLE II.

Neither nation to deliver its citizens.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE III.

Persons who have committed crimes in the State to which they have fled.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE IV.

Duration of convention.

The present convention shall continue in force until the first of January, one thousand eight hundred and sixty; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and sixty.

ARTICLE V.

Ratifications.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Baden; and the ratifications shall be exchanged in Berlin within one year from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate, at Berlin, the thirtieth day of January, one thousand eight hundred and fifty-seven, and the eighty-first year of the independence of the United States.

[SEAL.] P. D. VROOM.
[SEAL.] ADOLPH BAR. MARSCHALL de BIEBERSTEIN.

1868.

TREATY CONCERNING NATURALIZATION.

Concluded July 19, 1868; *Ratifications exchanged at Berlin December* 7, 1869; *Proclaimed January* 10, 1870.

The President of the United States of America and His Royal Highness the Grand Duke of Baden, led by the wish to regulate the citizenship of those persons who emigrate from Baden to the United States of America, and from the United States of America to the territory of the Grand Duchy, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries; that is to say:

The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States near the Grand Duke of Baden; and His Royal Highness the Grand Duke of Baden, his President of the Ministry of the Grand-Ducal House and of Foreign Affairs and Chamberlain, Rudolph von Freydorf; Negotiators.

Who have agreed to and signed the following articles:

ARTICLE I.

Citizens of the Grand Duchy of Baden, who have resided uninterruptedly within the United States of America five years, and before, during, or after that time, have become or shall become naturalized citizens of the United States, shall be held by Baden to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America, who have resided uninterruptedly within the Grand Duchy of Baden five years, and before, during, or after that time, have become or shall become naturalized citizens of the Grand Duchy of Baden, shall be held by the United States to be citizens of Baden, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization. Proofs of naturalization.

ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment. In particular, a former Badener who, under the first article, is to be held as an American citizen, is liable to trial and punishment according to the laws of Baden for non-fulfillment of military duty— Offences committed before emigration.

1. If he has emigrated after he, on occasion of the draft from those having military duty, has been enrolled as a recruit for service in the standing army.

2. If he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time.

3. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former Badener, naturalized in the United States, who, by or after his emigration, has transgressed or shall transgress the legal provisions on military duty by any acts or omissions, other than those above enumerated in the clauses numbered one to three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfillment of his military duty. Moreover, the attachment on the property of an emigrant for non-fulfillment of his military duty, except in the cases designated in the clauses numbered one to three, shall be removed so soon as he shall prove his naturalization in the United States according to the first article.

ARTICLE III.

Extradition convention of 1857 to remain in force.

The convention for the mutual delivery of criminals, fugitives from justice, concluded between the Grand Duchy of Baden on the one part, and the United States of America on the other part, the thirtieth day of January, one thousand eight hundred and fifty-seven, remains in force without change.

ARTICLE IV.

Recovery of former citizenship.

The emigrant from the one State who, according to the first article, is to be held as a citizen of the other State, shall not on his return to his original country be constrained to resume his former citizenship; yet if he shall of his own accord reacquire it and renounce the citizenship obtained by naturalization, such a renunciation is allowed, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

ARTICLE V.

Duration of convention.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall remain in force until the end of twelve months after either of the contracting parties shall have given notice of such intention.

ARTICLE VI.

Ratifications.

The present convention shall be ratified by His Royal Highness the Grand Duke of Baden, and by the President, by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Carlsruhe as soon as possible.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Carlsruhe, the 19th July, 1868.

[SEAL.] GEORGE BANCROFT.
[SEAL.] V. FREYDORF.

BAVARIA.

1845.

CONVENTION FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE AND TAXES ON EMIGRATION.

Concluded January 21, 1845; *Ratifications exchanged at Berlin November* 4, 1845; *Proclaimed August* 15, 1846.

The United States of America and His Majesty the King of Bavaria, having agreed, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named, for this purpose, their respective Plenipotentiaries, namely:

The President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia; and

Negotiators.

His Majesty the King of Bavaria, upon Count Maximilian von Lerchenfeld-Kœfering, his Chamberlain, Envoy Extraordinary and Minister Plenipotentiary at the Royal Prussian Court, Commander of the Royal Order of the Knights of St. George, of the Order for Merit in Civil Service of the Bavarian Crown, of St. Michael, Grand Cross of the Russian Imperial Order of St. Anne of the first class, of the Royal Prussian Order of the Red Eagle of the first class, Commander, Grand Cross of the Royal Swedish Order of the North Star, and Great Commander of the Royal Greek Order of the Saviour;

Who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

ARTICLE I.

Every kind of *droit d'aubaine*, *droit de retraite*, and *droit de détraction* or tax on emigration, is hereby, and shall remain, abolished between the two contracting parties, their States, citizens and subjects, respectively.

Abolition of droit d'aubaine and taxes on emigration.

ARTICLE II.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from all duties of *détraction*.

Death of citizens of one nation in territory of the other.

ARTICLE III.

Property of citizens of one nation in territory of the other.

The citizens or subjects of each of the contracting parties shall have power to dispose of their (real and*) personal property within the States of the other, by testament, donation or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said (real and*) personal property, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

Property of absent heirs.

In case of the absence of the heirs, the same care shall be taken provisionally of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner or the person who has a right to sell the same, according to Article II., may take measures to receive or dispose of the inheritance.

ARTICLE V.

Settlement of disputes concerning inheritances.

If any dispute should arise between different claimants to the same inheritance, they shall be decided in the last resort according to the laws, and by the judges of the country where the property is situated.

ARTICLE VI.

Bavarian laws to prevent emigration not derogated.

But this convention shall not derogate in any manner from the force of the laws already published, or hereafter to be published, by His Majesty the King of Bavaria, to prevent the emigration of his subjects.

ARTICLE VII.

Ratifications.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of His Majesty the King of Bavaria, and the ratifications thereof shall be exchanged at Berlin within the term of fifteen months from the date of the signature hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

Done in quadruplicate, in the city of Berlin, on the twenty-first day of January, one thousand eight hundred and forty-five, in the sixty-ninth year of the independence of the United States of America, and the nineteenth of the reign of His Majesty the King of Bavaria.

[SEAL.] HENRY WHEATON.
[SEAL.] GRAF V. LERCHENFELD.

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*The words in parentheses are, in the original treaty, encircled in red ink.

1853.

ONVENTION FOR THE MUTUAL EXTRADITION OF CRIMINALS, FUGITIVES FROM JUSTICE.

oncluded September 12, 1853; *Ratifications exchanged at London November* 1, 1854; *Proclaimed November* 18, 1854.

The United States of America and His Majesty the King of Bavaria, ctuated by an equal desire to further the administration of justice, and) prevent the commission of crimes in their respective countries, taking ito consideration that the increased means of communication between urope and America facilitate the escape of offenders, and that, consenently, provision ought to be made in order that the ends of justice iall not be defeated, have determined to conclude an arrangement estined to regulate the course to be observed in all cases with referice to the extradition of such individuals as, having committed any of ie offenses hereafter enumerated, in one country, shall have taken efuge within the territories of the other. The constitution and laws of avaria, however, not allowing the Bavarian Government to surrender eir own subjects for trial before a foreign court of justice, a strict ciprocity requires that the Government of the United States shall be eld equally free from any obligation to surrender citizens of the United tates. For which purposes the high contracting powers have appointed their Plenipotentiaries:

The President of the United States, James Buchanan, Envoy Extradinary and Minister Plenipotentiary of the United States the Court of the United Kingdom of Great Britain and eland; His Majesty the King of Bavaria, Augustus Baron de Cetto, his id Majesty's Chamberlain, Envoy Extraordinary and Minister Plenitentiary at the Court of Her Majesty the Queen of the United Kingdom Great Britain and Ireland, Knight Commander of the Order for Merit the Bavarian Crown and of the Order for Merit of St. Michael, night Grand Cross of the Royal Grecian Order of our Saviour; Negotiators.

Who, after reciprocal communication of their respective full powers, und in good and due form, have agreed to the following articles:

Article I.

The Government of the United States and the Bavarian Government omise and engage, upon mutual requisitions by them or their minisrs, officers or authorities, respectively made, to deliver up to justice l persons who, being charged with the crime of murder, or assault th intent to commit murder, or piracy, or arson, or robbery, or rgery, or the utterance of forged papers, or the fabrication or cirlation of counterfeit money, whether coin or paper money, or the mbezzlement of public moneys, committed within the jurisdiction of ther party, shall seek an asylum, or shall be found within the terories of the other: *Provided*, That this shall only be ne upon such evidence of criminality as, according the laws of the place where the fugitive or person so charged all be found, would justify his apprehension and commitment for al, if the crime or offense had there been committed; and the reective judges and other magistrates of the two Governments shall ve power, jurisdiction and authority, upon complaint made under th, to issue a warrant for the apprehension of the fugitive or person Evidence.

so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

Expenses.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE II.

Other German States may accede.

The stipulations of this convention shall be applied to any other State of the German Confederation which may hereafter declare its accession thereto.

ARTICLE III.

Neither nation to deliver its citizens.

None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE IV.

Persons who have committed crimes in the State to which they have fled.

Whenever any person, accused of any of the crimes enumerated in this convention, shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE V.

Duration of this convention.

The present convention shall continue in force until the first of January, one thousand eight hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and fifty eight.

ARTICLE VI.

Ratifications.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Bavaria, and the ratifications shall be exchanged in London within fifteen months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate, in London, the twelfth day of September, one thousand eight hundred and fifty-three, and the seventy-eighth year of the independence of the United States.

[SEAL.] JAMES BUCHANAN.
[SEAL.] A. de CETTO.

1868.

TREATY CONCERNING NATURALIZATION.

Concluded May 26, 1868; *Ratifications exchanged at Munich September* 18, 1868; *Proclaimed October* 8, 1868.

His Majesty the King of Bavaria and the President of the United States of America, led by the wish to regulate the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to the territory of the Kingdom of Bavaria, have resolved to treat on this subject, and have, for that purpose, appointed Plenipotentiaries to conclude a convention, that is to say:

His Majesty the King of Bavaria, Dr. Otto, Baron of Völderndorff, Councillor of Ministry; and the President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary; Negotiators

Who have agreed to and signed the following articles:

ARTICLE I.

Citizens of Bavaria who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States for five years, shall be held by Bavaria to be American citizens, and shall be treated as such. Requirements for naturalization.

Reciprocally, citizens of the United States of America who have become, or shall become, naturalized citizens of Bavaria, and shall have resided uninterruptedly within Bavaria five years, shall be held by the United States to be Bavarian citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE II.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment. Offences committed before emigration.

ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Bavaria on the other part, the twelfth day of September, one thousand eight hundred and fifty-three, remains in force without change. Extradition convention of 1853 to remain in force.

ARTICLE IV.

If a Bavarian, naturalized in America, renews his residence in Bavaria, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American, naturalized in Bavaria, renews Renunciation of citizenship.

his residence in the United States, without the intent to return to Bavaria, he shall be held to have renounced his naturalization in Bavaria. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

ARTICLE V.

Duration of convention.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

Ratifications.

The present convention shall be ratified by His Majesty the King of Bavaria and by the President, by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Munich within twelve months from the date thereof.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

MUNICH, *the 26th May*, 1868.

[SEAL.] GEORGE BANCROFT.
[SEAL.] DR. OTTO FHR. VON VÖLDERNDORFF.

PROTOCOL.

Done at Munich the 26th May, 1868.

The undersigned met to-day to sign the treaty agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to Bavaria; on which occasion the following observations, more exactly defining and explaining the contents of this treaty, were entered in the following protocol:

I.

RELATING TO THE FIRST ARTICLE OF THE TREATY.

Requirements for naturalization.

1. Inasmuch as the copulative "and" is made use of, it follows, of course, that not the naturalization alone, but an additional five years' uninterrupted residence is required, before a person can be regarded as coming within the treaty; but it is by no means requisite that the five years' residence should take place after the naturalization. It is hereby further understood that if a Bavarian has been discharged from his Bavarian indigenate, or, on the other side, if an American has been discharged from his American citizenship in the manner legally prescribed by the Government of his original country, and then acquires naturalization in the other country in a rightful and perfectly valid manner, then an additional five years' residence shall no longer be required, but a person so naturalized shall from the moment of his naturalization be held and treated as a Bavarian, and reciprocally as an American citizen.

2. The words "resided uninterruptedly" are obviously to be under-

tood, not of a continual bodily presence, but in the legal sense, and herefore a transient absence, a journey, or the like, by no Definition of uninterrupted residence. ieans interrupts the period of five years contemplated by he first article.

II.

RELATING TO THE SECOND ARTICLE OF THE TREATY.

1. It is expressly agreed that a person who, under the first article, s to be held as an adopted citizen of the other State, on his Emigration not punishable. eturn to his original country cannot be made punishable for he act of emigration itself, not even though at a later day he should ave lost his adopted citizenship.

III.

RELATING TO ARTICLE FOUR OF THE TREATY.

1. It is agreed on both sides that the regulative powers granted to he two Governments respectively by their laws for pro- Rights of resident aliens. ection against resident aliens, whose residence endangers eace and order in the land, are not affected by the treaty. In particuar the regulation contained in the second clause of the tenth article of he Bavarian military law of the 30th of January, 1868, according to vhich Bavarians emigrating from Bavaria before the fulfillment of their ilitary duty cannot be admitted to a permanent residence in the land ll they shall have become thirty-two years old, is not affected by the reaty. But yet it is established and agreed, that by the Definition of permanent residence. xpression "permanent residence" used in the said article, ie above described emigrants are not forbidden to undertake a journey) Bavaria for a less period of time and for definite purposes, and the oyal Bavarian Government moreover cheerfully declares itself ready, ı all cases in which the emigration has plainly taken place in good aith, to allow a mild rule in practice to be adopted.

2. It is hereby agreed that when a Bavarian naturalized in America, nd reciprocally an American naturalized in Bavaria, takes Recovery of former citizenship. p his abode once more in his original country without the ıtention of return to the country of his adoption, he does by no means hereby recover his former citizenship; on the contrary, in so far as it elates to Bavaria, it depends on His Majesty the King whether he will r will not in that event grant the Bavarian citizenship anew.

The article fourth shall accordingly have only this meaning, that the dopted country of the emigrant cannot prevent him from acquiring nce more his former citizenship; but not that the State to which the migrant originally belonged is bound to restore him at once to his origıal relation.

On the contrary, the citizen naturalized abroad must first apply to be eceived back into his original country in the manner prescribed by its aws and regulations, and must acquire citizenship anew, exactly like ny other alien.

But yet it is left to his own free choice whether he will adopt that ourse or will preserve the citizenship of the country of his adoption.

The two Plenipotentiaries give each other mutually the assurance that heir respective Governments in ratifying this treaty will also regard as pproved and will maintain the agreements and explanations contained ı the present protocol, without any further formal ratification of the ame.

[SEAL.] GEORGE BANCROFT.
[SEAL.] DR. OTTO FHR. VON VÖLDERNDORFF.

BELGIUM.

1845.*

TREATY OF COMMERCE AND NAVIGATION.

Concluded November 10, 1845; *Ratifications exchanged at Washington March* 30, 1846; *Proclaimed March* 31, 1846.

The United States of America on the one part, and His Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests respectively, the bonds of friendship and good understanding so happily established between the Governments and people of the two countries; and desiring, with this view, to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both States, have, to that effect, appointed as their Plenipotentiaries, namely:

Negotiators.

The President of the United States, Thomas G. Clemson, Chargé d'Affaires of the United States of America to His Majesty the King of the Belgians; and His Majesty the King of the Belgians, M. Adolphe Dechamps, Officer of the Order of Leopold, Knight of the Order of the Red Eagle of the first class, Grand Cross of the Order of St. Michael of Bavaria, his Minister for Foreign Affairs, a member of the Chamber of Representants;

Who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed and concluded the following articles:

ARTICLE I.

Freedom of commerce and navigation.

There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries; and the same security and protection which is enjoyed by the citizens or subjects of each country shall be guaranteed on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities or places whatever, of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes, or imposts, than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities, and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

ARTICLE II.

No discrimination in tonnage duties on Belgian vessels.

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any

* See notes: "Abrogated, suspended, or obsolete treaties."

other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage or, generally, other charges whatsoever than are required from vessels of the United States in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations or any other divisions or jurisdiction, whatever may be its designation.

ARTICLE III.

Reciprocally, vessels of the United States, whether coming from a port of said States or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage or, generally, other charges whatever than are required from Belgian vessels in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations or any other division or jurisdiction, whatever be its designation.

Same subject: Vessels of the United States.

ARTICLE IV.

The restitution by Belgium of the duty levied by the Government of the Netherlands on the navigation of the Scheldt, in virtue of the third paragraph of the ninth article of the treaty of April nineteenth, eighteen hundred and thirty-nine, is guaranteed to the vessels of the United States.

Restitution of Scheldt duty.

ARTICLE V.

Steam vessels of the United States and of Belgium, engaged in regular navigation between the United States and Belgium, shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys and light-houses.

Certain steam-vessels exempt from duties.

ARTICLE VI.

As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nation.

Coasting trade.

ARTICLE VII.

Articles of every description, whether proceeding from the soil, industry or warehouses of Belgium, directly imported therefrom, into the ports of the United States, in Belgian vessels, shall pay no other or higher duties of import than if they were imported under the flag of said States.

Duties on direct imports.

And reciprocally, articles of every description directly imported into Belgium from the United States, under the flag of the said States, shall pay no other or higher duties than if they were imported under the Belgian flag.

It is well understood:

1st. That the goods shall have been really put on board in the ports from which they are declared respectively to come.

2d. That a putting-in at an intermediate port, produced by uncontrollable circumstances, duly proved, does not occasion the forfeiture of the advantage allowed to direct importation.

ARTICLE VIII.

Duties on indirect imports.

Articles of every description, imported into the United States from other countries than Belgium, under the Belgian flag, shall pay no other or higher duties whatsoever than if they had been imported under the flag of the most favored foreign nation, other than the flag of the country from which the importation is made. And reciprocally, articles of every description imported under the flag of the United States into Belgium, from other countries than the United States, shall pay no other or higher duties whatsoever than if they had been imported under the flag of the foreign nation most favored, other than that of the country from which the importation is made.

ARTICLE IX.

Export duties.

Articles of every description, exported by Belgian vessels, or by those of the United States of America, from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

ARTICLE X.

Premiums and drawbacks to be common.

All premiums, drawbacks or other favors of like nature, which may be allowed in the States of either of the contracting parties, upon goods imported or exported in national vessels, shall be likewise, and in the same manner, allowed upon goods imported directly from one of the two countries by its vessels into the other, or exported from one of the two countries by the vessels of the other to any destination whatsoever.

ARTICLE XI.

Importation of salt and fish.

The preceding article is, however, not to apply to the importation of salt, and of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

ARTICLE XII.

Proofs of nationality of vessels.

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which, being provided by the competent authority with a passport, sea-letter or any other sufficient document, shall be recognized conformably with existing laws as national vessels in the country to which they respectively belong.

ARTICLE XIII.

Parts of cargoes remaining on vessels not dutiable.

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board, or upon re-exportation, to any charges whatsoever other than those for the prevention of smuggling.

ARTICLE XIV.

Goods while in warehouse not dutiable.

During the period allowed by the laws of the two countries respectively for the wharehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought

om either country into the other, while awaiting transit, re-exportation r entry for consumption. Such goods shall in no case be subject to igher warehouse charges or to other formalities than if they had been nported under the flag of the country.

ARTICLE XV.

In all that relates to duties of customs and navigation, the two high ontracting parties promise, reciprocally, not to grant any avor, privilege or immunity to any other State, which shall ot instantly become common to the citizens and subjects of both par- es respectively; gratuitously, if the concession or favor to such other tate is gratuitous, and on allowing the same compensation or its equiv- lent if the concession is conditional. Most favored nation.

Neither of the contracting parties shall lay upon goods proceeding om the soil or the industry of the other party, which may be imported ito its ports, any other or higher duties of importation or re-exporta- on than are laid upon the importation and re-exportation of similar oods coming from any other foreign country.

ARTICLE XVI.

In cases of shipwreck, damages at sea or forced putting-in, each party hall afford to the vessels of the other, whether belonging to he State or to individuals, the same assistance and protec- ion, and the same immunities, which would have been granted to its wn vessels in similar cases. Shipwrecks.

ARTICLE XVII.

It is moreover agreed between the two contracting parties that the Consuls and Vice-Consuls of the United States in the ports f Belgium, and, reciprocally, the Consuls and Vice-Consuls f Belgium in the ports of the United States, shall continue to enjoy all he privileges, protection and assistance usually granted to them, and which may be necessary for the proper discharge of their functions. The aid Consuls and Vice-Consuls may cause to be arrested and sent back, either to their vessels or to their country, such seamen as may have deserted from the vessels of their nation. To this end they hall apply in writing to the competent local authorities, nd they shall prove, by exhibition of the vessel's crew list, or other document, or, if she shall have departed, by copy of said documents, duly certified by them, that the seamen whom they claim formed part of he said crew. Upon such demand, thus supported, the delivery of the deserters shall not be refused. They shall, moreover, receive all aid and assistance in searching for, seizing and arresting such deserters, who shall, upon the requisition and at the expense of the Consul or Vice- Consul, be confined and kept in the prisons of the country until he shall have found an opportunity for sending them home. If, however, such an opportunity should not occur within three months after the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is, however, understood that seamen of the country in which the desertion shall occur are excepted from these provisions, unless they be naturalized citizens or subjects of the other country. Consuls and Vice-Consuls. Deserters.

ARTICLE XVIII.

Articles of all kinds, the transit of which is allowed in Belgium, com-

ing from or going to the United States, shall be exempt from all transit duty in Belgium, when the transportation through the Belgian territory is effected on the railroads of the State.

Transit duties.

ARTICLE XIX.

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned; and it is agreed, that after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

Duration of this treaty.

ARTICLE XX.

This treaty shall be ratified and the ratifications shall be exchanged at Washington within the term of six months after its date, or sooner if possible; and the treaty shall be put in execution within the term of twelve months.

Ratifications.

In faith whereof the respective Plenipotentiaries have signed the present treaty, in duplicate, and have affixed thereto their seals.

Brussels, the tenth of November, eighteen hundred and forty-five.

[SEAL.] THOS. G. CLEMSON.
[SEAL.] DECHAMPS.

1858.*

CONVENTION OF COMMERCE AND NAVIGATION.

Concluded July 17, 1858; *Ratifications exchanged at Washington April* 16, 1859; *Proclaimed April* 19, 1859.

The United States of America on the one part, and His Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests, respectively, the bonds of friendship and good understanding so happily established between the Governments and the people of the two countries; and desiring with this view to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both States, have to that effect appointed as their Plenipotentiaries, namely:

The President of the United States, Lewis Cass, Secretary of State of the United States; and His Majesty the King of the Belgians, Mr. Henri Bosch Spencer, decorated with the Cross of Iron, Chevalier of the Order of Leopold, Chevalier of the Polar Star, his Chargé d'Affaires in the United States;

Negotiators.

Who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed to and concluded the following articles:

* See notes: "Abrogated, suspended, or obsolete treaties."

ARTICLE I.

There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries, and the same security and protection which is enjoyed by the citizens or subjects of each country shall be guaranteed on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities or places whatever of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes or imposts than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

Freedom of commerce and navigation.

Favors to be common.

ARTICLE II.

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage or generally other charges whatsoever, than are required from vessels of the United States in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations or any other division or jurisdiction, whatever may be its designation.

No discrimination in duties on Belgian vessels.

ARTICLE III.

Reciprocally, vessels of the United States, whether coming from a port of said States or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage or generally other charges whatever, than are required from Belgian vessels in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations or any other division or jurisdiction, whatever may be its designation.

Same subject: Vessels of the United States.

ARTICLE IV.

Steam-vessels of the United States and of Belgium engaged in regular navigation between the United States and Belgium, shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys and light-houses.

Exemption of steam-vessels from certain duties.

ARTICLE V.

As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nations.

Coasting trade.

ARTICLE VI.

Objects of any kind soever introduced into the ports of either of the

two States under the flag of the other, whatever may be their origin and from what country soever the importation thereof may have been made, shall not pay other or higher entrance duties, nor shall be subjected to other charges or restrictions, than they would pay, or be subjected to, were they imported under the national flag.

No discrimination in duties on imports, direct or indirect.

ARTICLE VII.

Articles of every description exported by Belgian vessels, or by those of the United States of America, from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

Export duties.

ARTICLE VIII.

All premiums, drawbacks or other favors of like nature, which may be allowed in the States of either of the contracting parties upon goods imported or exported in national vessels, shall be likewise and in the same manner allowed upon goods imported directly from one of the two countries by its vessels into the other, or exported from one of the two countries by the vessels of the other to any destination whatsoever.

Premiums, drawbacks, to be common.

ARTICLE IX.

The preceding article is, however, not to apply to the importation of salt, and of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

Importation of salt and fish.

ARTICLE X.

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which, being provided by the competent authority with a passport, sea-letter, or any other sufficient document, shall be recognized, conformably with existing laws, as national vessels in the country to which they respectively belong.

Proofs of nationality of vessels.

ARTICLE XI.

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board or upon re-exportation, to any charges whatsoever other than those for the prevention of smuggling.

No duties on portions of cargoes remaining on board.

ARTICLE XII.

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought from either country into the other while awaiting transit, re-exportation, or entry for consumption. Such goods shall in no case be subject to higher warehouse charges or to other formalities than if they had been imported under the flag of the country.

Goods while in warehouse not dutiable.

Article XIII.

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favor, privilege or immunity to any other State which shall not instantly become common to the citizens and subjects of both parties, respectively; gratuitously, if the concession or favor to such other State is gratuitous, and on allowing the same compensation, or its equivalent, if the concession is conditional. Most favored nation.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or re-exportation than are laid upon the importation or re-exportation of similar goods coming from any other foreign country.

Article XIV.

In cases of shipwreck, damages at sea or forced putting-in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection, and the same immunities, which would have been granted to its own vessels in similar cases. Shipwrecks.

Article XV.

It is, moreover, agreed between the two contracting parties that the Consuls and Vice-Consuls of the United States in the ports of Belgium, and, reciprocally, the Consuls and Vice-Consuls of Belgium in the ports of the United States, shall continue to enjoy all the privileges, protection and assistance usually granted to them, and which may be necessary for the proper discharge of their functions. The said Consuls and Vice-Consuls may cause to be arrested and sent back, either to their vessels or to their country, such seamen as may have deserted from the vessels of their nation. To this end they shall apply in writing to the competent local authorities, and they shall prove, by exhibition of the vessel's crew-list or other document, or, if she shall have departed, by copy of said documents, duly certified by them, that the seamen whom they claim formed part of the said crew. Upon such demand, thus supported, the delivery of the deserters shall not be refused. They shall, moreover, receive all aid and assistance in searching for, seizing and arresting such deserters, who shall, upon the requisition and at the expense of the Consul or Vice-Consul, be confined and kept in the prisons of the country until he shall have found an opportunity for sending them home. If, however, such an opportunity should not occur within three months after the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is, however, understood that seamen of the country in which the desertion shall occur are excepted from these provisions, unless they be naturalized citizens or subjects of the other country. Consuls. Deserters.

Article XVI.

Articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium, when the transportation through the Belgian territory is effected on the railroads of the State. Transit duty.

ARTICLE XVII.

Duration of treaty.

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned; and it is agreed that, after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

ARTICLE XVIII.

Ratifications.

This treaty shall be ratified, and the ratifications shall be exchanged at Washington, within the term of nine months after its date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present treaty, in duplicate, and have affixed thereto their seals, at Washington, the seventeenth of July, eighteen hundred and fifty-eight.

[SEAL.] LEW. CASS.
[SEAL.] H. BOSCH SPENCER.

BELGIUM, 1863.

CONVENTION RELATIVE TO IMPORT DUTIES AND CAPITALIZATION OF THE SCHELDT DUES.

Concluded May 20, 1863; *Ratifications exchanged at Brussels June* 24, 1864; *Proclaimed November* 18, 1864.

The President of the United States of America on the one side, His Majesty the King of the Belgians on the other side, having deemed it advantageous to complete, by new stipulations the treaty of commerce and navigation entered into by the United States and Belgium on the 17th day of July, 1858, have resolved to make a convention in addition to that arrangement, and have appointed for their Plenipotentiaries, namely:

Negotiators.

The President of the United States, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; His Majesty the King of the Belgians, the Sieur Charles Rogier, Grand Officer of the Order of Leopold, decorated with the Iron Cross, Grand Cross of the Order of the Ernestine Branch of Saxony, of the Polar Star, of St. Maurice and St. Lazarus, of our Lady of the Conception of Villa Vicosa, of the Legion of Honor, of the White Eagle, &c., a member of the Chamber of Representatives, his Minister of Foreign Affairs;

Who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE I.

Tonnage and port dues, pilotage fees.

From and after the day when the capitalization of the duties levied upon navigation in the Scheldt shall have been secured by a general arrangement:

1st. The tonnage dues levied in Belgian ports shall cease.

2d. Fees for pilotage in Belgian ports and in the Scheldt, in so far as ; depends on Belgium, shall be reduced twenty per centum for sailing -essels, twenty-five per centum for vessels in tow, thirty per centum for iteam-vessels.

3d. Port dues and other charges levied by the city of Antwerp shall -e throughout reduced.

Article II.

In derogation to the ninth article of the treaty of the 17th of July, 858, the flag of the United States shall be assimilated to hat of Belgium for the transportation of salt. Salt.

Article III.

The tariff of import duties resulting from the treaty of the 1st of May, 861, between Belgium and France, is extended to goods mported from the United States, on the same conditions vith which it was extended to Great Britain by the treaty of the twenty-hird of July, eighteen hundred and sixty-two. Import duties.

The reduction made by the treaties entered into by Belgium with Switzerland on the eleventh of December, eighteen hundred and sixty-wo, with Italy on the ninth of April, eighteen hundred and sixty-three, vith the Netherlands on the 12th of May, eighteen hundred and sixty-hree, and also with France on the twelfth of May, eighteen hundred and ixty-three, shall be equally applied to goods imported from the United States.

It is agreed that Belgium shall also extend to the United States the -eductions of import duties which may result from her subsequent treaties vith other powers.

Article IV.

The United States, in view of the proposition made by Belgium to egulate, by a common accord, the capitalization of the Scheldt dues, consents to contribute to this capitalization under the following conditions: Capitalization of Scheldt dues.

a. The capital sum shall not exceed thirty-six millions of francs.

b. Belgium shall assume for its part one-third of that amount.

c. The remainder shall be apportioned among the other States, *pro rata* to their navigation in the Scheldt.

d. The proportion of the United States, to be determined in accordance with this rule, shall not exceed the sum of two millions seven hundred and seventy-nine thousand two hundred francs.

e. The payment of the said proportion shall be made in ten annual installments of equal amount, which shall include the capital and the interest on the portion remaining unpaid at the rate of four per centum.

The first installment shall be payable at Brussels, on the first day of April, eighteen hundred and sixty-four, or immediately after the Congress of the United States shall have made the requisite appropriation. In either event, the interest shall commence to run on the date of the first of April, eighteen hundred and sixty-four, above mentioned.

The Government of the United States reserves the right of anticipating the payment of the proportion of the United States.

The above-mentioned conditions for the capitalization of the Scheldt dues shall be inserted in a general treaty, to be adopted by a conference of the maritime States interested, and in which the United States shall be represented.

ARTICLE V.

Duration of this convention.

The Articles I. and IV. of the present additional convention shall be perpetual; and the remaining articles shall, together with the treaty of commerce and navigation made between the high contracting parties on the seventeenth of July, eighteen hundred and fifty-eight, have the same force and duration as the treaties mentioned in Article III.

Ratifications.

The ratifications thereof shall be exchanged with the least possible delay.

In faith whereof the respective Plenipotentiaries have signed the present convention, and have affixed thereto their seals.

Made in duplicate, and signed at Brussels the twentieth day of May, eighteen hundred and sixty-three.

[SEAL.] H. S. SANFORD.
[SEAL.] CH. ROGIER.

Declaration annexed to the additional convention signed this day between the United States and Belgium:

The Plenipotentiary of the United States having required that the attributions of the Consuls of the United States in Belgium should become the object of farther stipulations, and it having been impracticable to complete in season the examination of the said stipulations, it is agreed that the Belgian Government will continue that examination with the sincere intent to come to an agreement as early as may be possible.

Done at Brussels, in duplicate, the twentieth of May, eighteen hundred and sixty-three.

H. S. SANFORD.
CH. ROGIER.

1863.

TREATY FOR THE EXTINGUISHMENT OF THE SCHELDT DUES.

Concluded July 20, 1863; *Ratifications exchanged at Brussels June* 24, 1864; *Proclaimed November* 18, 1864.

The United States of America and His Majesty the King of the Belgians, equally desirous of liberating forever the navigation of the Scheldt from the dues which encumber it, to assure the reformation of the maritime taxes levied in Belgium, and to facilitate thereby the development of trade and navigation, have resolved to conclude a treaty to complete the convention signed on the 20th of May, 1863, between the United States and Belgium, and have appointed as their Plenipotentiaries, namely:

Negotiators.

The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident to His Majesty the King of the Belgians; and His Majesty

he King of the Belgians, Mr. Charles Rogier, Grand Officer of the Order of Leopold, decorated with the Iron Cross, &c., &c., &c., his Minister of Foreign Affairs;

Who, after having exchanged their full powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties take note of, and record:

1st. The treaty concluded on the twelfth of May, eighteen hundred and sixty-three, between Belgium and the Netherlands, which will remain annexed to the present treaty, and by which his Majesty the King of the Netherlands renounces forever the dues established upon navigation in the Scheldt and its mouths, by the third paragraph of the ninth article of the treaty of the nineteenth of April, eighteen hundred and thirty-nine, and His Majesty the King of the Belgians engages to pay the capital sum of the redemption of those dues, which amount to 17,141,640 florins.

Renunciation by the Netherlands of the Scheldt dues.

2d. The declaration made in the name of His Majesty the King of the Netherlands on the fifteenth of July, eighteen hundred and sixty-three, to the Plenipotentiaries of the high contracting parties, that the extinguishment of the Scheldt dues, consented to by his said Majesty, applies to all flags; that these dues can never be re-established under any form whatsoever; and that this suppression shall not affect in any manner the other provisions of the treaty of the nineteenth of April, eighteen hundred and thirty-nine, which declaration shall be considered inserted in the present treaty, to which it shall remain also annexed.

Extinguishment applies to all flags.

ARTICLE II.

His Majesty the King of the Belgians makes, for what concerns him, the same declaration as to that which is mentioned in the second paragraph of the preceding article.

Renunciation by Belgium.

ARTICLE III.

It is well understood that the tonnage dues suppressed in Belgium, in conformity with the convention of the twentieth of May, eighteen hundred sixty-three, cannot be re-established, and that the pilotage dues and local taxes reduced under the same convention cannot be again increased.

Tonnage dues, pilotage, and local taxes.

The tariff of pilotage dues and of local taxes at Antwerp, shall be the same for the United States as those which are set down in the protocols of the conference at Brussels.

ARTICLE IV.

In regard to the proportion of the United States in the capital sum of the extinguishment of the Scheldt dues, and the manner, place and time of the payment thereof, reference is made by the high contracting parties to the convention of the twentieth May, eighteen hundred and sixty-three.

Proportion to be paid by the United States.

ARTICLE V.

The execution of the reciprocal engagements contained in the present treaty is made subordinate, in so far as is necessary, to the formalities and rules established by the constitutional laws of the high contracting parties.

Execution of this treaty.

ARTICLE VI.

To what Article III. applies.

It is well understood, that the provisions of Article III. will only be obligatory with respect to the State which has taken part in, or those which shall adhere to, the treaty of this day, the King of the Belgians reserving to himself expressly the right to establish the manner of treatment as to fiscal and customs regulations of vessels belonging to States which shall not be parties to this treaty.

ARTICLE VII.

Ratifications.

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at Brussels with the least possible delay.

In faith whereof the respective Plenipotentiaries have signed the same in duplicate, and affixed thereto their seals.

Done at Brussels, the twentieth day of July, eighteen hundred and sixty-three.

[SEAL.] H. S. SANFORD.
[SEAL.] CH. ROGIER.

[Translation.]

Treaty of May 12, 1863, *between Belgium and the Netherlands, annexed to the treaty of July* 20, 1863.

His Majesty the King of the Belgians and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, having come to an agreement upon the conditions of the redemption, by capitalization, of the dues established upon the navigation of the Scheldt and of its mouths, by paragraph three of the ninth article of the treaty of the 19th April, 1839, have resolved to conclude a special treaty on this subject, and have appointed for their Plenipotentiaries:

Negotiators.

His Majesty the King of the Belgians, M. Aldephonse Alexander Felix, Baron du Jardin, Commander of the Order of Leopold, decorated with the Iron Cross, Commander of the Lion of the Netherlands, Chevalier Grand Cross of the Oaken Crown, Grand Cross and Commander of several other orders, his Envoy Extraordinary and Minister Plenipotentiary near to His Majesty the King of the Netherlands. His Majesty the King of the Netherlands, M. Paul Van der Maesen de Sombreff, Chevalier Grand Cross of the Order of the Nichan Iftihar of Tunis, his Minister of Foreign Affairs; M. Jean Rudolphe Thorbecke, Chevalier Grand Cross of the Order of the Lion of the Netherlands, Grand Cross of the Order of Leopold of Belgium, and of many other orders, his Minister of Interior; and M. Gerard Henri Betz, his Minister of Finance;

Who, after having exchanged their full powers, found in good and due form, have concluded upon the following articles:

ARTICLE I.

Renunciation of Scheldt dues.

His Majesty the King of the Netherlands renounces forever, for the sum of 17,141,640 florins of Holland, the dues levied upon the navigation of the Scheldt and of its mouths, by virtue of paragraph three of Article IX. of the treaty of 19th April, 1839.

ARTICLE II.

This sum shall be paid to the Government of the Netherlands by the Belgian Government, at Antwerp, or at Amsterdam, at the choice of the latter, the franc calculated at 47½ cents of the Netherlands, as follows: Payment by Belgium.

One-third immediately after the exchange of ratifications, and the two other thirds in three equal installments, payable on the 1st May, 1864, 1st May, 1865, and 1st May, 1866. The Belgian Government may anticipate the above-named payments.

ARTICLE III.

From and after the payment of the first installment of one-third, the dues shall cease to be levied by the Government of the Netherlands. When dues shall cease to be levied.

The sums not immediately paid shall bear interest at the rate of 4 per cent. per annum, in favor of the treasury of the Netherlands.

ARTICLE IV.

It is understood that the capitalization of the dues shall not in any way affect the engagements by which the two States are bound, in what concerns the Scheldt, by treaties in force. Treaties in force not affected by capitalization.

ARTICLE V.

The pilotage dues now levied on the Scheldt are reduced 20 per cent. for sailing vessels, 25 per cent. for towed vessels, and 30 per cent. for steam vessels. Pilotage dues.

It is, moreover, agreed that the pilotage dues on the Scheldt can never be higher than the pilotage dues levied at the mouths of the Meuse.

ARTICLE VI.

The present treaty shall be ratified, and the ratifications shall be exchanged at the Hague within four months, or earlier if possible. Ratifications.

In faith whereof the Plenipotentiaries above named have signed the same and affixed their seals.

Done at the Hague, the 12th May, 1863.

[L. S.] BARON DU JARDIN.
[L. S.] P. VAN DER MAESEN de SOMBREFF.
[L. S.] THORBECKE.
[L. S.] BETZ.

[Translation.]

Protocol of July 15, 1863, *annexed to the treaty of July* 20, 1863.

The undersigned Plenipotentiaries, having come together in conference to determine the general treaty relative to the redemption of the Scheldt dues, and having judged it useful, before drawing up this arrangement in due form, to be enlightened with respect to the treaty concluded the

12th of May, 1863, between Belgium and Holland, have resolved, to this end, to invite the Minister of the Netherlands to take a place in the conference.

The Plenipotentiary of the Netherlands presented himself in response to this invitation, and made the following declaration:

"The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Netherlands, declares, in virtue of the special powers which have been delivered to him, that the extinguishment of the Scheldt dues, consented to by his August Sovereign in the treaty of the 12th May, applies to all flags; that these dues can never be reëstablished in any form whatsoever; and that this extinguishment shall not affect in any way the other provisions of the treaty of the 19th April, 1839."

[L. S.] BARON GERICKE D'HERWYNEN.

BRUSSELS, *July* 15, 1863."

Note has been taken and record made of this declaration, which shall be inserted in or annexed to the general treaty.

Done at Brussels, the 15th July, 1863.

BARON GERICKE D'HERWYNEN. [L. S.]	
BARON de HUGEL.	[L. S.]
J. T. do AMARAL.	[L. S.]
M. CARVALLO.	[L. S.]
P. BILLE BRAHE.	[L. S.]
D. COELLO de PORTUGAL.	[L. S.]
H. S. SANFORD.	[L. S.]
MALARET.	[L. S.]
HOWARD de WALDEN et SEAFORD.	[L. S.]
Von HODENBERG.	[L. S.]
CTE. de MONTALTO.	[L. S.]
MAN. YRIGOYEN.	[L. S.]
VTE. de SEISAL.	[L. S.]
SAVIGNY.	[L. S.]
ORLOFF.	[L. S.]
ADALBERT MANSBACH.	[L. S.]
C. MUSURUS.	[L. S.]
GEFFCKEN.	[L. S.]
CH. ROGIER.	[L. S.]
BN. LAMBERMONT.	[L. S.]

1868.

CONVENTION CONCERNING NATURALIZATION.

Concluded November 16, 1868; *Ratifications exchanged at Brussels July* 10, 1869; *Proclaimed July* 30, 1869.

The President of the United States of America and His Majesty the King of the Belgians, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Belgium, and from Belgium to the United States of America, have resolved to make a Convention on this subject, and have appointed for their Plenipotentiaries, namely:

Negotiators.

The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; and His Maj

esty the King of the Belgians, the Sieur Jules Vander Stichelen, Grand Cross of the Order of the Dutch Lion, &c., &c., &c., his Minister of Foreign Affairs;

Who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE I.

When natives of one country are to be treated as citizens of the other.

Citizens of the United States who may or shall have been naturalized in Belgium will be considered by the United States as citizens of Belgium. Reciprocally, Belgians who may or who shall have been naturalized in the United States will be considered by Belgium as citizens of the United States.

ARTICLE II.

Liability for crimes, &c., committed before naturalization.

Citizens of either contracting party, in case of their return to their original country, can be prosecuted there for crimes or misdemeanors committed before naturalization, saving to them such limitations as are established by the laws of their original country.

ARTICLE III.

Military service.

Naturalized citizens of either contracting party, who shall have resided five years in the country which has naturalized them, cannot be held to the obligation of military service in their original country, or to incidental obligation resulting therefrom, in the event of their return to it, except in cases of desertion from organized and embodied military or naval service, or those that may be assimilated thereto by the laws of that country.

ARTICLE IV.

Recovery of citizenship in original country.

Citizens of the United States naturalized in Belgium shall be considered by Belgium as citizens of the United States when they shall have recovered their character as citizens of the United States, according to the laws of the United States. Reciprocally, Belgians naturalized in the United States shall be considered as Belgians by the United States when they shall have recovered their character as Belgians according to the laws of Belgium.

ARTICLE V.

Duration of convention.

The present convention shall enter into execution immediately after the exchange of ratifications, and shall remain in force for ten years. If, at the expiration of that period, neither of the contracting parties shall have given notice six months in advance of its intention to terminate the same, it shall continue in force until the end of twelve months after one of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate; and by

His Majesty the King of the Belgians, with the consent of Parliament; and the ratifications shall be exchanged at Brussels within twelve months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and affixed thereto their seals.

Made in duplicate at Brussels, the sixteenth of November, eighteen hundred and sixty-eight.

[SEAL.] H. S. SANFORD.
[SEAL.] JULES VANDER STICHELEN.

1868.*

CONVENTION CONCERNING THE RIGHTS, PRIVILEGES AND IMMUNITIES OF CONSULS.

Concluded December 5, 1868; *Ratifications exchanged at Brussels July* 8, 1869; *Proclaimed March* 7, 1870.

The President of the United States of America and His Majesty the King of the Belgians, recognizing the utility of defining the rights, privileges and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose; accordingly, they have named:

Negotiators.

The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; and His Majesty the King of the Belgians, the Sieur Jules Vander Stichelen, Grand Cross of the Order of the Dutch Lion, &c., &c., &c., his Minister of Foreign Affairs;

Who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE I.

Liberty to appoint Consuls.

Each of the high contracting parties agrees to receive from the other, Consuls-General, Consuls, Vice-Consuls and Consular Agents, in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

ARTICLE II.

Exequatur.

Consular officers, on the presentation of their commissions in the forms established in their respective countries, shall be furnished with the necessary exequatur free of charge, and on the exhibition of this instrument they shall be permitted to enjoy the rights, prerogatives and immunities granted by this convention.

ARTICLE III.

Exemption from arrest.

Consular officers, citizens of the State by which they are appointed, shall be exempt from arrest, except in the case of offences which the local legislation qualifies as crimes, and punishes

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* See Notes: "Abrogated, suspended, or obsolete treaties."

it as such; from military billetings, from service in the militia or in the national guard, or in the regular army, and from all taxation, federal, state or municipal. If, however, they are citizens of the State where they reside, or own property, or engage in business there, they shall be liable to the same charges of all kinds as other citizens of the country, who are merchants or owners of property.

ARTICLE IV.

No consular officer who is a citizen of the State by which he was appointed, and who is not engaged in business, shall be compelled to appear as a witness before the courts of the country where he may reside. When the testimony of such a consular officer is needed, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office. Evidence of Consuls in courts of justice.

It shall be the duty of said consular officer to comply with this request without any delay which can be avoided.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to United States Consuls in Belgium, in the like cases.

ARTICLE V.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may place over the outer door of their offices, or their dwelling-houses, the arms of their nation, with this inscription, "Consulate, or Vice-Consulate, or Consular Agency" of the United States, or of Belgium, &c., &c. And they may also raise the flag of their country on their offices or dwelling-houses, except in the capital of the country, when there is a legation there. Arms and flags.

ARTICLE VI.

The consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate. Consular archives.

ARTICLE VII.

In the event of the death, incapacity or absence of Consuls-General, Consuls, Vice-Consuls and Consular Agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister for Foreign Affairs in Belgium, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents. Rights of Acting Consuls.

ARTICLE VIII.

Rights of Vice-Consuls and Consular Agents.

Consuls-General and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports and places within their consular jurisdiction. These officers may be citizens of the United States, of Belgium, or other foreigners. They shall be furnished with a commission by the Consul who appoints them, and under whose orders they are to act. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles III. and IV.

ARTICLE IX.

Application by Consuls to governmental authorities.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may complain to the authorities of the respective countries, whether federal or local, judicial or local, judicial or executive, within their consular district, of any infraction of the treaties and conventions between the United States and Belgium, or for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

ARTICLE X.

Right of Consuls to take depositions.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said consular officer may belong. Copies of such papers and official documents of every kind, whether in the original, copies or translation duly authenticated and legalized by the Consuls-General, Consuls, Vice-Consuls and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Belgium.

ARTICLE XI.

Rights of Consuls with regard to merchant vessels of their nation.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. Neither the federal, state or municipal authorities or courts in the United States, nor any court or authority in Belgium shall, on any pretext, interfere in these differences.

ARTICLE XII.

Deserters.

The respective Consuls-General, Consuls, Vice-Consuls and Consular Agents may arrest the officers, sailors and all other persons making part of the crew of ships of war or merchant vessels

of their nation who may be guilty, or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To that end the consuls of the United States in Belgium may apply to any of the competent authorities; and the consuls of Belgium in the United States may apply in writing to either the federal, state or municipal courts or authorities, and make a request in writing for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said crew.

Upon such request alone, thus supported, and without the exaction of any oath from the consular officers, the deserters, not being citizens of the county where the demand is made at the time of their shipping, shall be given up. All the necessary aid and protection shall be furnished for the search, pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

ARTICLE XIII.

In the absence of an agreement to the contrary between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls General, Consuls, Vice-Consuls and Consular Agents of the respective countries where they reside. If, however, any inhabitant of the country or citizen or subject of a third power shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

Damages suffered at sea by vessels.

ARTICLE XIV.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Belgium, and of Belgian vessels wrecked upon the coasts of the United States, shall be directed by Consuls-General, Consuls and Vice-Consuls of the two countries, respectively, and, until their arrival, by the respective Consular Agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall immediately be informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

Salvage.

ARTICLE XV.

In case of the death of any citizen of the United States in Belgium, or of a citizen of Belgium in the United States without having any known heirs or testamentary executor by him

Consuls to be notified of deaths of citizens of their nations.

appointed, the competent local authorities shall inform the Consuls or Consular Agents of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

ARTICLE XVI.

Duration of convention.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Brussels within the period of six months, or sooner if possible. In case neither party gives notice, twelve months after the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done at Brussels, in duplicate, the fifth day of December, eighteen hundred and sixty-eight.

[SEAL.] H. S. SANFORD.
[SEAL.] JULES VANDER STICHELEN.

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*Protocol additional to the Convention signed December 5, 1868.**

The Plenipotentiaries of the President of the United States and of His Majesty the King of the Belgians, foreseeing that the exchange of ratifications cannot be made within the delay prescribed, by reason of circumstances independent of the will of the high contracting parties, have met this day, and have agreed to prolong the delay for two months.

Done at Brussels, the 1st of June, 1869.

[SEAL.] JULES VANDER STICHELEN.
[SEAL.] H. S. SANFORD.

1868.†

ADDITIONAL ARTICLE TO THE TREATY OF COMMERCE AND NAVIGATION OF JULY 17, 1858, CONCERNING TRADE MARKS.

Concluded December 20, 1868; Ratifications exchanged at Brussels June 19, 1869; Proclaimed July 30, 1869.

The President of the United States of America and His Majesty the King of the Belgians, deeming it advisable that there should be an additional article to the treaty of commerce and navigation between them of the 17th July, 1858, have for this purpose named as their Plenipotentiaries, namely:

* The Senate of the United States, by its resolution of March 2, 1870, advised and consented to the exchanges of ratifications which had previously been made.

† See notes: "Abrogated, suspended, or obsolete treaties."

The President of the United States, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; and His Majesty the King of the Belgians, the Sieur Jules Vander Stichelen, Grand Cross of the Order of the Dutch Lion, &c., &c., &c., his Minister of Foreign Affairs; Negotiators.

Who, after having communicated to each other their full powers, have agreed to and signed the following:

ADDITIONAL ARTICLE.

The high contracting parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens, agree that any counterfeiting in one of the two countries of the trade-marks affixed in the other on merchandise to show its origin and quality, shall be strictly prohibited, and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven. Counterfeiting trade-marks.

The trade-marks in which the citizens of one of the two countries may wish to secure the right of property in the other, must be lodged, to wit: the marks of citizens of the United States at Brussels, in the Office of the Clerk of the Tribunal of Commerce; and the marks of Belgian citizens at the Patent Office in Washington. Registration.

It is understood that if a trade-mark has become public property in the country of its origin it shall be equally free to all in the other country. Trade-marks that have become public property.

This additional article shall have the same duration as the before mentioned treaty of the 17th of July, 1858, to which it is an addition. The ratifications thereof shall be exchanged in the delay of six months, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the same, and affixed thereto their seals.

Done at Brussels, in duplicate, the 20th of December, 1868.

[SEAL.] H. S. SANFORD.

[SEAL.] JULES VANDER STICHELEN.

1874.*

CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVES FROM JUSTICE.

Concluded March 19, 1874; *Ratifications exchanged at Brussels April* 30, 1874; *Proclaimed May* 1, 1874.

The United States of America and His Majesty the King of the Belgians having judged it expedient with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction that persons convicted of, or charged with, the crimes hereinafter specified, and being fugitives from justice should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries: the President of the United States of America, Hamilton Fish, Secretary of State of the United States; and His Majesty the King of the Belgians, Maurice Del- Negotiators.

* See Notes: "Abrogated, suspended or obsolete treaties."

fosse, His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the United States, who after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

ARTICLE I.

The Government of the United States and the Government of Belgium mutually agree to deliver up persons, who having been convicted of, or charged with any of the crimes specified in the following Article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum, or be found within the territories of the other: Provided that this shall only be done upon such evidence of criminality as according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ARTICLE II.

Crimes.

Persons shall be delivered up who shall have been convicted of or be charged, according to the provisions of this Convention, with any of the following crimes:

1. Murder, comprehending the crimes designated in the Belgian penal-code by the terms of parricide, assassination, poisoning and infanticide.

2. The attempt to commit murder.

3. The crimes of rape, arson, piracy and mutiny on board a ship, whenever the crew or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

4. The crime of burglary, defined to be the act of breaking and entering by night into the house of another with the intent to commit felony: and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or putting him in fear, and the corresponding crimes punished by the Belgian laws under the description of thefts committed in an inhabited house by night, and by breaking in by climbing or forcibly; and thefts committed with violence or by means of threats.

5. The crime of forgery, by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign or government acts.

6. The fabrication or circulation of counterfeit money either coin or paper, or of counterfeit public bonds, bank notes, obligations or, in general, anything being a title or instrument of credit; the counterfeiting of seals, dies, stamps and marks of state and public administrations, and the utterance thereof.

7. The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries.

8. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers when the crime is subject to punishment by the laws of the place where it was committed.

ARTICLE III.

Political offenses and crimes committed prior to extradition crimes.

The provisions of this treaty shall not apply to any crime or offence of a political character nor to any crime or offence committed prior to the date of this treaty, except the crimes of murder and arson, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be

ied for any crime committed previously to that for which his or their urrender is asked.

ARTICLE IV.

Neither of the contracting parties shall be bound to deliver up its vn citizens or subjects under the stipulations of this Con- ntion. Neither party to deliver its citizens.

ARTICLE V.

If the person whose surrender may be claimed pursuant to the stipulations of the present treaty shall have been arrested for ie commission of offences in the country where he has ought an asylum, or shall have been convicted thereof, s extradition may be deferred until he shall have been acquitted, or ave served the term of imprisonment to which he may have been sen- nced. Extradition may be deferred until local offences are satisfied.

ARTICLE VI.

Requisitions for the surrender of fugitives from justice shall be made y the respective diplomatic agents of the contracting urties, or, in the event of the absence of these from the ountry or its seat of government, they may be made by iperior consular officers. Requisitions for extradition; mode of procedure.

If the person whose extradition may be asked for shall have been onvicted of a crime, a copy of the sentence of the court in which he ay have been convicted, authenticated under its seal, and an attestaon of the official character of the judge by the proper executive uthority, and of the latter by the Minister or Consul of the United tates or of Belgium, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, duly authenticated copy of the warrant for his arrest in the country here the crime may have been committed and of the depositions upon hich such warrant may have been issued, must accompany the requisi- on as aforesaid. The President of the United States, or the proper xecutive authority in Belgium, may then issue a warrant for the appreension of the fugitive, in order that he may be brought before the roper judicial authority for examination. If it should then be decided iat, according to the law and the evidence, the extradition is due purant to the treaty, the fugitive may be given up according to the forms rescribed in such cases.

ARTICLE VII.

The expenses of the arrest, detention and transportation of the persons laimed shall be paid by the government in whose name the equisition has been made. Expenses.

ARTICLE VIII.

This Convention shall take effect twenty days after the day of the date f the exchange of ratifications, and shall continue in force luring five years from the day of such exchange; but if either party shall have given to the other six months' previous notice f its intention to terminate the same, the Convention shall remain in orce five years longer, and so on. Duration of convention.

The present Convention shall be ratified, and the ratifications exchanged at Brussels so soon thereafter as possible.

Ratifications.

In witness whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at the city of Washington, the 19th day of March, Anno Domini one thousand eight hundred and seventy-four

[SEAL.] HAMILTON FISH.
[SEAL.] MAURICE DELFOSSE.

1875.

TREATY OF COMMERCE, NAVIGATION AND TRADE-MARKS.

Concluded March 8, 1875; *Ratifications exchanged at Brussels June* 11, 1875; *Proclaimed June* 29, 1875.

The United States of America on the one part, and His Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests, respectively, the bonds of friendship and good understanding so happily established between the Governments and people of the two countries; and desiring with this view to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both States, have to that effect appointed as their Plenipotentiaries, namely: the President of the United States, Hamilton Fish, Secretary of State of the United States; and His Majesty the King of the Belgians Maurice Delfosse, Commander of the Order of Leopold, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary in the United States; who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed to and concluded the following articles:

ARTICLE I.

Reciprocal freedom of commerce and navigation.

There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries, and the same security and protection which is enjoyed by the citizens or subjects of each country shall be guaranteed on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities or places whatever of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties,

No discriminating taxes to be laid.

taxes or imposts than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

ARTICLE II.

Duties to be paid by Belgian ships.

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage or, generally, other charges whatsoever, than are

required from vessels of the United States in similar cases. This provision extends, not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations or any other division or jurisdiction, whatever may be its designation.

ARTICLE III.

Reciprocally, vessels of the United States, whether coming from a port of said States or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage or, generally, other charges whatever, than are required from Belgian vessels, in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations or any other division or jurisdiction, whatever may be its designation.

Dues to be paid by vessels of the United States.

ARTICLE IV.

As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nations.

Coasting trade.

ARTICLE V.

Objects of any kind soever introduced into the ports of either of the two States under the flag of the other, whatever may be their origin and from what country soever the importation thereof may have been made, shall not pay other or higher entrance duties, nor shall be subjected to other charges or restrictions than they would pay, or be subjected to, were they imported under the national flag.

No discrimination between vessels of the two countries relative to importations.

ARTICLE VI.

Articles of every description exported by Belgian vessels, or by those of the United States of America from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

Exports.

ARTICLE VII.

All premiums, drawbacks or other favors of like nature, which may be allowed in the States of either of the contracting parties upon goods imported or exported in national vessels, shall be likewise and in the same manner, allowed upon goods imported directly from one of the two countries by its vessels into the other, or exported from one of the two countries by the vessels of the other to any destination whatsoever.

Premiums and drawbacks.

ARTICLE VIII.

The preceding article is, however, not to apply to the importation of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

Produce of national fisheries.

ARTICLE IX.

Proofs of nationality of vessels.

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which being provided by the competent authority with a passport, sea-letter, or any other sufficient document, shall be recognized, conformably with existing laws, as national vessels in the country to which they respectively belong.

ARTICLE X.

Parts of cargoes remaining on vessels not dutiable.

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board or upon re-exportation, to any charges whatsoever, other than those for the prevention of smuggling.

ARTICLE XI.

Goods while in warehouse not dutiable.

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought from either country into the other while awaiting transit, re-exportation, or entry for consumption. Such goods shall in no case be subject to higher warehouse charges, or to other formalities, than if they had been imported under the flag of the country.

ARTICLE XII.

Most favored nation.

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favor, privilege or immunity to any other State which shall not instantly become common to the citizens and subjects of both parties respectively; gratuitously, if the concession or favor to such other State is gratuitous, and on allowing the same compensation, or its equivalent, if the concession is conditional.

No discrimination in duties upon products of either nation.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or re-exportation than are laid upon the importation or re-exportation of similar goods coming from any other foreign country.

Duration of this article.

In case either of the high contracting parties shall announce to the other its desire to terminate this Article, the operation and the obligation thereof shall cease and determine at the expiration of one year from the delivery of such notice, leaving however the remaining articles of the Treaty in force until terminated according to the provisions of Article XVI. hereinafter.

ARTICLE XIII.

Shipwrecks.

In cases of shipwreck, damages at sea, or forced putting in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection and the same immunities which would have been granted to its own vessels in similar cases.

ARTICLE XIV.

Articles of all kinds, the transit of which is allowed in the United States, coming from or going to Belgium, shall be exempt from all transit duty in the United States. Free transit.

Reciprocally, articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium. Such transit, whether in the United States or in Belgium, shall be subject, however, to such limitations as to the points between which the transit may be made, and to such regulations for the protection of the revenue and the prevention of withdrawal of the articles for consumption or use within the country through which the transit is made, as are or may be prescribed by or under the authority of the laws of the countries respectively. Limitations.

ARTICLE XV.

The high contracting parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens, agree that any counterfeiting in one of the two countries of the trade marks affixed in the other on merchandise, to show its origin and quality, shall be strictly prohibited, and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven. Trade-marks

The trade-marks in which the citizens of one of the two countries may wish to secure the right of property in the other, must be lodged, to wit: the marks of citizens of the United States, at Brussels, in the office of the Clerk of the Tribunal of Commerce; and the marks of Belgian citizens, at the Patent Office in Washington. Registration.

It is understood that if a trade-mark has become public property in the country of its origin, it shall be equally free to all in the other country. Trade-marks that have become public property.

ARTICLE XVI.

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned; and it is agreed that after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force. Duration of treaty.

ARTICLE XVII.

This treaty shall be ratified, and the ratifications shall be exchanged at Brussels within the term of nine months after its date, or sooner if possible. Ratifications.

In faith whereof, the respective Plenipotentiaries have signed the present treaty in duplicate, and have affixed thereto their seals at Washington, the eighth day of March eighteen hundred and seventy-five.

[SEAL.] HAMILTON FISH.

[SEAL.] MAURICE DELFOSSE.

1880.

CONVENTION CONCERNING THE RIGHTS, IMMUNITIES AND PRIVILEGES OF CONSULAR OFFICERS.

Concluded March 9, 1880; *Ratifications exchanged at Washington February* 25, 1881; *Proclaimed March* 1, 1881.

The President of the United States of America and His Majesty the King of the Belgians, being mutually desirous of defining the rights, privileges and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose, and have accordingly named as their plenipotentiaries:

Negotiators.

The President of the United States, William Maxwell Evarts, Secretary of State; and His Majesty the King of the Belgians, Maurice Delfosse, Commander of the Order of Leopold, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary in the United States; who, after having communicated to each other their respective full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE I.

Liberty to appoint Consuls.

Each of the high contracting parties agrees to receive from the other, Consuls-General, Consuls, Vice-Consuls and Consular Agents, in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

ARTICLE II.

Most favored nation privileges accorded to Consuls.

The Consuls-General, Consuls, Vice-Consuls and Consular Agents of each of the two high contracting parties shall enjoy reciprocally, in the States of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument, they shall be permitted to enjoy the rights, privileges and immunities granted by this convention.

Exequaturs.

ARTICLE III.

Rights of Consuls, citizens of the States appointing them.

Consuls-General, Consuls, Vice-Consuls and Consular Agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, state or municipal, imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country

where the said officers exercise their functions. This exemption shall not, however, apply to Consuls-General, Consuls, Vice-Consuls or Consular Agents engaged in any profession, business or trade, but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

ARTICLE IV.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a Consul-General, Consul, Vice-Consul or Consular Agent, who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

Evidence of Consuls in courts of justice.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to the consuls of the United States in Belgium, in the like cases.

ARTICLE V.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may place over the outer door of their offices the arms of their nation, with this inscription: *Consulate-General*, or *Consulate*, or *Vice-Consulate*, or *Consular Agency of the United States* or of *Belgium*.

Arms and flags.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

ARTICLE VI.

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

Consular offices inviolable.

Not to be used as asylums.

Consular archives.

ARTICLE VII.

In the event of the death, incapacity or absence of Consuls-General, Consuls, Vice-Consuls and Consular Agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Ministry for Foreign Affairs in Belgium, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

Rights of Acting Consuls.

ARTICLE VIII.

Power of Consuls to appoint Vice-Consuls.

Consuls-General and Consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports and places within their consular jurisdiction. These agents may be selected from among citizens of the United States or of Belgium, or those of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles III. and IV.

ARTICLE IX.

Application by Consuls to governmental authorities.

Consuls-General, Consuls, Vice-Consuls and Consular Agents, shall have the right to address the administrative and judicial authorities, whether in the United States, of the Union, the States or the municipalities, or in Belgium, of the State, the province or the commune, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Belgium, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

ARTICLE X.

Verification and custody of certain papers.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may take at their offices, at their private residence, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which the said consular officer may belong.

Such papers and official documents of every kind, whether in the original, in copies, or in translation, duly authenticated and legalized by the Consuls-General, Consuls, Vice-Consuls and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Belgium.

ARTICLE XI.

Power of Consuls relative to the vessels of their country and the masters and crews.

The respective Consuls-General, Consuls, Vice-Consuls and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of all differences which may arise, either at sea or in port, between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not interfere except when the disorder that has arisen is of such a nature as to disturb tran-

quillity and public order on shore, or in the port, or when a person of the country or not belonging to the crew shall be concerned therein.

In all other cases, the aforesaid authorities shall confine themselves to lending aid to the Consuls and Vice-Consuls or Consular Agents, if they are requested by them to do so, in causing the arrest and imprisonment of any person whose name is inscribed on the crew-list, whenever, for any cause, the said officers shall think proper.

ARTICLE XII.

The respective Consuls-General, Consuls, Vice-Consuls and Consular Agents may cause to be arrested the officers, sailors, and all other persons making part of the crews, in any manner whatever, of ships of war or merchant vessels of their nation, who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To this end they shall address the competent local authorities of the respective countries, in writing, and shall make to them a written request for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said ship's company. Deserters.

Upon such request alone thus supported, the delivery to them of the deserters cannot be refused, unless it should be duly proved that they were citizens of the country where their extradition is demanded at the time of their being inscribed on the crew-list. All the necessary aid and protection shall be furnished for the pursuit, seizure and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, nor shall they be again arrested for the same cause. Neither nation to deliver deserters who are its citizens. Expenses. Limitation of time when deserters may be arrested.

If the deserter has committed any misdemeanor, and the court having the right to take cognizance of the offence shall claim and exercise it, the delivery of the deserter shall be deferred until the decision of the court has been pronounced and executed. Offences committed by deserters.

ARTICLE XIII.

In the absence of an agreement to the contrary between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily, or are forced by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls and Consular Agents of the respective countries. If, however, any inhabitant of the country or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide. Settlement of damages suffered at sea by vessels of either nation.

ARTICLE XIV.

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Belgium, and of Belgian vessels wrecked upon the coasts of the United States, shall be directed by the Consuls-General, Consuls and Vice-Consuls of the two Shipwrecks.

countries respectively, and until their arrival, by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of wrecked property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if these do not belong to the crews that have been wrecked and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

Salvage.

It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

Merchandise saved not dutiable.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XV.

In case of the death of any citizen of the United States in Belgium, or of a citizen of Belgium in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall give information of the circumstance to the consuls or consular agents of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to parties interested.

Death of citizens of one nation in territory of the other.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

Absent or minor heirs and creditors.

ARTICLE XVI.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington as soon as possible within the period of six months. In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

Duration of Convention.

In faith whereof, the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done at Washington, in duplicate, the ninth of March, one thousand eight hundred and eighty.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] MAURICE DELFOSSE.

1882.

CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVES FROM JUSTICE.

Concluded June 13, 1882; *Ratifications exchanged at Washington November* 18, 1882; *Proclaimed November* 20, 1882.

The United States of America and his Majesty the King of the Belgians, having judged it expedient with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes and offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a new Convention for that purpose, and have appointed, as their Plenipotentiaries: the President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States; and His Majesty the King of the Belgians, Mr. Théodore de Bounder de Melsbroeck, Commander of His Order of Leopold, etc., etc., His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States; who, after having communicated to each other their respective full powers found in good and due form, have agreed upon and concluded the following articles: Negotiators.

Article I.

The Government of the United States and the Government of Belgium, mutually agree to deliver up persons who, having been charged, as principals or accessories, with or convicted of any of the crimes and offences specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum, or be found within the territories of the other: Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

Article II.

Persons shall be delivered up who shall have been convicted of or be charged, according to the provisions of this convention, with any of the following crimes: Crimes.

1. Murder, comprehending the crimes designated in the Belgian penal code by the terms of parricide, assassination, poisoning and infanticide.
2. The attempt to commit murder.
3. Rape, or attempt to commit rape. Bigamy. Abortion.
4. Arson.
5. Piracy or mutiny on shipboard whenever the crew, or part thereof, shall have taken possession of the vessel by fraud or by violence against the commander.
6. The crime of burglary, defined to be the act of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods by vio-

lence or putting him in fear; and the corresponding crimes punished by the Belgian laws under the description of thefts committed in an inhabited house by night, and by breaking in by climbing or forcibly, and thefts committed with violence or by means of threats.

7. The crime of forgery, by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign or governmental acts.

8. The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, coupons of the public debt, banknotes, obligations, or in general, anything being a title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps and marks of state and public administrations, and the utterance thereof.

9. The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries.

10. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed.

11. Wilful and unlawful destruction or obstruction of railroads which endangers human life.

12. Reception of articles obtained by means of one of the crimes or offences provided for by the present convention.

Extradition may also be granted for the attempt to commit any of the crimes above enumerated when such attempt is punishable by the laws of both contracting parties.

ARTICLE III.

Persons not to be tried or punished for offences not provided for by convention.

A person surrendered under this convention, shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offence, not provided for by the present convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned.

Punishable only for offence for which extradition is granted.

He shall moreover not be tried or punished for any crime or offence provided for by this convention committed previous to his extradition, other than that which gave rise to the extradition, without the consent of the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in Article 7 of this convention.

Extradition to third country.

The consent of that Government shall likewise be required for the extradition of the accused to a third country; nevertheless such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of time above specified the territory of the country to which he has been surrendered.

ARTICLE IV.

Persons cannot be extradited for political offences.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offence or of one connected with such a crime or offence. A person who has been surrendered on account of one of the common crimes or offences mentioned in Article II., shall consequently in no case be prosecuted and punished in the state to which his extradition has been granted on

ccount of a political crime or offence committed by him previously to his xtradition or on account of an act connected with such a political crime r offence, unless he has been at liberty to leave the country for one ıonth after having been tried and, in case of condemnation, for one ıonth after having suffered his punishment or having been pardoned.

An attempt against the life of the head of a foreign government, or gainst that of any member of his family when such attempt omprises the act either of murder or assassination, or of oisoning, shall not be considered a political offence or an act connected ith such an offence. Exceptions.

Article V.

Neither of the contracting parties shall be bound to deliver up its wn citizens or subjects under the stipulations of this con- ention. Neither nation to deliver its citizens.

Article VI.

If the person whose surrender may be claimed pursuant to the stipu- ıtions of the present treaty shall have been arrested for the ommission of offences in the country where he has sought n asylum, or shall have been convicted thereof, his extradition may e deferred until he shall have been acquitted, or have served the term of nprisonment to which he may have been sentenced. Offences in country of asylum.

Article VII.

Requisitions for the surrender of fugitives from justice shall be made y the respective diplomatic agents of the contracting par- es, or, in the event of the absence of these from the coun- y or its seat of government, they may be made by superior onsular officers. Requisitions for extradition: mode of procedure.

If the person whose extradition may be asked for shall have been con- icted of a crime or offence, a copy of the sentence of the court in which e may have been convicted, authenticated under its seal, and attesta- on of the official character of the judge by the proper executive uthority, and of the latter by the minister or consul of the United States r of Belgium, respectively, shall accompany the requisition. When, owever, the fugitive shall have been merely charged with crime, a duly uthenticated copy of the warrant for his arrest in the country where ıe crime may have been committed, and of the depositions upon which ıch warrant may have been issued, must accompany the requisition as foresaid.

The President of the United States, or the proper executive authority ı Belgium, may then issue a warrant for the apprehension of the fugi- ve, in order that he may be brought before the proper judicial authority or examination. If it should then be decided that, according to the law nd the evidence, the extradition is due pursuant to the treaty, the ıgitive may be given up according to the forms prescribed in such ases.

Article VIII.

The expenses of the arrest, detention and transportation of the per- ons claimed shall be paid by the government in whose name he requisition has been made. Expenses.

ARTICLE IX.

Exemption from extradition under statutes of limitation.

Extradition shall not be granted, in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed, has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE X.

Articles seized with accused.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

ARTICLE XI.

Duration of convention.

The present convention shall take effect thirty days after the exchange of ratifications.

After it shall have taken effect, the convention of March 19, 1874, shall cease to be in force and shall be superseded by the present convention which shall continue to have binding force for six months after a desire for its termination shall have been expressed in due form by one of the two governments to the other.

Ratifications.

It shall be ratified and its ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and French languages, and they have thereunto affixed their seals.

Done in duplicate, at the city of Washington, this thirteenth day of June, 1882.

[SEAL.] FREDK. T. FRELINGHUYSEN.
[SEAL.] THRE. de BOUNDER de MELSBROECK.

1884.

CONVENTION CONCERNING TRADE-MARKS.

Concluded April 7, 1884; *Ratifications exchanged at Washington July 7*, 1884; *Proclaimed July 9*, 1884.

Negotiators.

The President of the United States of America and His Majesty the King of the Belgians, being desirous of securing reciprocal protection for the trade-marks and trade-labels of their respective citizens or subjects within the dominions or territories of the other country, have resolved to conclude a Convention for that purpose, and have appointed as their plenipotentiaries: The President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States; and His Majesty the King of the Belgians, Théodore de Bounder de Melsbroeck, Commander of His Order of Leopold, His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the

nited States; who, after reciprocal communication of their full powers, ound in good and due form, have agreed upon the following articles, to it:

ARTICLE I.

Citizens of the United States in Belgium and Belgian citizens in the Jnited States of America shall enjoy, as regards trade-marks and rade-labels, the same protection as native citizens, without prejudice o any privilege or advantage that is or may hereafter be granted to he citizens of the most favored nation.

ARTICLE II.

In order to secure to their marks the protection provided for by the oregoing article, the citizens of each one of the contracting parties shall e required to fulfil the law and regulations of the other.

ARTICLE III.

The present arrangement shall take effect, on the day of its official ublication, and shall remain in force until the expiration of twelve months following the notice, given by either of he contracting parties, of its desire for the cessation of its effects. Duration of convention.

The ratifications of this Convention shall be exchanged at Washing-on as soon as possible within one year from this date. Ratifications.

In testimony whereof the respective Plenipotentiaries have signed his Convention in duplicate, in the English and French languages, and ffixed thereto the seals of their arms.

Done at Washington the seventh day of April, in the year of our Lord, ne thousand eight hundred and eighty-four.

[SEAL.] FREDK. T. FRELINGHUYSEN.
[SEAL.] THRE. de BOUNDER de MELSBROECK.

BOLIVIA.

1858.

TREATY OF PEACE, FRIENDSHIP, COMMERCE AND NAVIGATION.

Concluded May 13, 1858; *Ratifications exchanged at La Paz November* 9, 1862; *Proclaimed January* 8, 1863.

The United States of America and the Republic of Bolivia, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty of friendship, commerce and navigation.

For this most desirable object the President of the United States of America has conferred full powers on John W. Dana, a citizen of the said States, and their Minister Resident to the said Republic; and the President of the Republic of Bolivia on the citizen Lucas Mendosa de la Tapia, Secretary of State in the Department of Exterior Relations and Public Instruction;

Negotiators.

Who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of Bolivia, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

Declaration of amity.

ARTICLE II.

If either party shall hereafter grant to any other nation, its citizens or subjects, any particular favor in navigation or commerce, it shall immediately become common to the other party, freely when freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

Most favored nation.

*EXPLANATION.**

[As in said article it is stipulated that any special favor in navigation and trade granted by one of the contracting parties to any other nation, extends and is common to the other party forthwith, it is declared that, in what pertains to the navigation of rivers, this treaty shall only apply to concessions which the Government may authorize for navigating fluvial streams which do not present obstructions; that is to say, those whose navigation may be naturally plain and current without there having been need to obtain it by the employment

Explanation of Article II.

* Amendment by the Senate accepted by Bolivia.

labor and capital; that by consequence there remains reserved the right of the livian Government to grant privileges to any association or company, as well eign as national, which should undertake the navigation of those rivers from ich, in order to succeed, there are difficulties to be overcome, such as the clearing t of rapids, &c., &c.]

ARTICLE III.

The United States of America and the Republic of Bolivia mutually ree that there shall be reciprocal liberty of commerce and vigation between their respective territories and citizens. Freedom of commerce and navigation.
ie citizens of either republic may frequent with their ves- ls all the coasts, ports and places of the other where foreign com- erce is permitted, and reside in all parts of the territory of either, and cupy dwellings and warehouses; and everything belonging thereto all be respected, and shall not be subjected to any arbitrary visits or arch. The said citizens shall have full liberty to trade in all parts of e territory of either, according to the rules established by the respect- e regulations of commerce, in all kinds of goods, merchandise, manu- ctures and produce, not prohibited to all, and to open retail stores d shops, under the same municipal and police regulations as native izens; and they shall not in this respect be liable to any No discrimination in taxes.
her or higher taxes or imposts than those which are or ay be paid by native citizens. No examination or inspec- Examination of books and papers.
n of their books, papers, or accounts, shall be made with- t the legal order of a competent tribunal or judge.

The provisions of this treaty are not to be understood as applying to e navigation and coasting trade between one port and Coasting trade.
other, situated in the territory of either of the contract- g parties—the regulation of such navigation and trade being reserved spectively by the parties according to their own separate laws. Ves- ls of either country shall, however, be permitted to discharge part their cargoes at one port, open to foreign commerce, in the territo- es of either of the high contracting parties, paying only the custom- ouse duties upon that portion of the cargo which may be discharged, id to proceed with the remainder of their cargo to any other port or orts of the same territory, open to foreign commerce, without paying her or higher tonnage duties or port charges in such cases than ould be paid by national vessels in like circumstances; and they all be permitted to load in like manner at different ports in the same oyage outward.

The citizens of either country shall also have the unrestrained right travel in any part of the possessions of the other, and Right to travel.
all in all cases enjoy the same security and protection as ie natives of the country in which they reside, on condition of their ubmitting to the laws, decrees and ordinances there prevailing. They all not be called upon for any forced loan or occasional contribution, or shall they be liable to any embargo, or to be detained with their ves- els, cargoes, merchandise, goods or effects, for any military expedition, for any public purpose whatsoever, without being allowed therefor a ll and sufficient indemnification, which shall in all cases be agreed pon and paid in advance.

ARTICLE IV.

All kinds of produce, manufactures or merchandise of any foreign ountry which can, from time to time, be lawfully imported into the nited States in their own vessels, may be also imported in vessels

No discrimination in tonnage duties.

of the Republic of Bolivia; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and in like manner all kinds of produce, manufactures and merchandise of any foreign country that can be, from time to time, lawfully imported into the Republic of Bolivia in its own vessels, whether in her ports upon the Pacific or her ports upon the tributaries of the Amazon or La Plata, may be also imported in vessels of the United States; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that what may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country; and the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or re-exportations be made in vessels of the United States or of the Republic of Bolivia.

In all these respects the vessels and their cargoes of the one country, in the ports of the other, shall also be on an equal footing with those of the most favored nation. It being further understood that these principles shall apply whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from the ports of any other nation.

ARTICLE V.

Proof of nationality of Bolivian vessels.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the Republic of Bolivia, it is stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Bolivian vessel.

ARTICLE VI.

No discrimination in duties on imports and exports.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Republic of Bolivia, and no higher or other duties shall be imposed on the importation into the Republic of Bolivia of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles being the produce or manufactures of any other country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to the Republic of Bolivia, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibitions be imposed on the exportation or importation of any articles the produce or manufactures of the United States, or of the Republic of Bolivia, to or from the territories of the United States, or to or from the territories of the Republic of Bolivia, which shall not equally extend to all other nations.

ARTICLE VII.

Treatment of citizens of one nation residing in the other.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of either country, to manage themselves their own business, in all the ports and places subject to the jurisdiction of the other, as well

with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ARTICLE VIII.

The Republic of Bolivia, desiring to increase the intercourse between the Pacific ports by means of steam navigation, engages to accord to any citizen or citizens of the United States who may establish a line of steam-vessels to navigate regularly between the different ports and bays of the coasts of the Bolivian territory, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage and money, carrying the public mails, establishing depots for coal, erecting the necessary machine and work shops for repairing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever of the same character. It is furthermore understood between the two high contracting parties that the steam-vessels of either shall not be subject, in the ports of the other party, to any duties of tonnage, harbor, or other similar duties whatsoever than those that are or may be paid by any other association or company.

Steam-vessels.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, ports or dominions of the other with their vessels, whether merchant or of war, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships and placing themselves in a situation to continue their voyage without obstacles or hinderance of any kind. And the provisions of this article shall apply to privateers or private vessels of war as well as public, until the two high contracting parties may relinquish the right of that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

Vessels of either nation seeking refuge in ports of the other.

ARTICLE X.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, or shall suffer any damages in the seas, rivers or channels, within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever.

Vessels wrecked or damaged.

ARTICLE XI.

All the ships, merchandise, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners,

Captures by pirates.

they proving, in due form, their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE XII.

Property of aliens.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country where such goods are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the longest period allowed by the law to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XIII.

Privileges of citizens of one nation in territory of the other.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse on the same terms which are usual and customary with the natives of the country; for which they may employ, in defense of their rights, such advocates, solicitors, notaries, agents and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the accusations and sentences of the tribunals in all cases which may concern them; and likewise at the taking of all examinations and evidence which may be exhibited on the said trials, in the manner established by the laws of the country. If the citizens of one of the contracting parties, in the territory of the other, engage in internal political questions, they shall be subject to the same measures of punishment and precaution as the citizens of the country where they reside.

ARTICLE XIV.

Religious freedom.

The citizens of the two contracting parties shall enjoy the full liberty of conscience in the countries subject to the jurisdiction of the one or the other, without being disturbed or molested on account of their religious opinions, provided they respect the laws and established customs of the country. And the bodies of the citizens of the one who may die in the territory of the other shall be interred in the public cemeteries, or in other decent places of burial, which shall be protected from all violation or insult by the local authorities.

ARTICLE XV.

Freedom of navigation.

It shall be lawful for the citizens of the United States of America, and of the Republic of Bolivia, to sail with their ships, with all manner of liberty and security, no distinction being

made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security, not only from places and ports of those who are enemies of both or either party, to the ports of the other, and to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of one power or of several.

ARTICLE XVI.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

Free ships, free goods.

1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a power or State at war are free from capture or confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship with this effect, that although they may be enemies to both or either party, they are not to be taken out of that ship unless they are officers or soldiers, and in the actual service of the enemies. The contracting parties engage to apply these principles to the commerce and navigation of all such powers and States as shall consent to adopt them as permanent and immutable.

ARTICLE XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war, and under this name shall be comprehended:

Contraband of war.

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabers, lances, spears, halberds and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastplates, coats of mail, infantry-belts and clothes made up in the form and for a military use.

3d. Cavalry-belts, and horses, with their furniture.

4th. And, generally, all kinds of arms, offensive and defensive, and instruments of iron, steel, brass and copper, or any other materials manufactured, prepared and formed expressly to make war by sea or land.

ARTICLE XVIII.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places or ports only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Commerce permitted with enemy in articles not contraband.

ARTICLE XIX.

Netral vessels not subject to detention after delivery of contraband articles.

The articles of contraband before enumerated and classified which may be found in a vessel bound to an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great or of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this, as well as in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE XX.

Blockade.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, they shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

Visitation and search.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they mutually agree that whenever a vessel of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats with two or three men only; in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

Commanders of privateers to give security for damages.

ARTICLE XXII.

Proof of nationality of vessels.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they agree that,

n case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ships, as also the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear that said ship truly belongs to the citizens of one of the parties; they likewise agree that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall prove to be owing to accident, and supplied by testimony entirely equivalent.

Certificates as to cargoes.

Article XXIII.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Vessels under convoy not subject to visitation and search.

Article XXIV.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them; and whenever such tribunals of either party shall pronounce judgment against any vessel, or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

Adjudication of prize causes.

Article XXV.

No citizen of the Republic of Bolivia shall take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the United States, or any of them, take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens of the Republic of Bolivia, or any of them, or the property of any of them, from any Prince or State with which the said Republic of Bolivia shall be at war; and if any person of either nation shall take such commissions or letters of marque he shall be punished according to their respective laws.

Letters of marque not to be taken by citizens of either nation for privateering against the other.

ARTICLE XXVI.

Free navigation of the Amazon and La Plata.

In accordance with fixed principles of international law, Bolivia regards the rivers Amazon and La Plata, with their tributaries, as highways or channels opened by nature for the commerce of all nations. In virtue of which, and desirous of promoting an exchange of productions through these channels, she will permit, and invites, commercial vessels of all descriptions of the United States, and of all other nations of the world, to navigate freely in any part of their courses which pertain to her, ascending those rivers to Bolivian ports, and descending therefrom to the ocean, subject only to the conditions established by this treaty, and to regulations sanctioned or which may be sanctioned, by the national authorities of Bolivia, not inconsistent with the stipulations thereof.

ARTICLE XXVII.

Navigation of the tributaries of the Amazon or La Plata.

The owners or commanders of vessels of the United States entering the Bolivian tributaries of the Amazon or La Plata shall have the right to put up or construct, in whole or in part, vessels adapted to shoal-river navigation, and to transfer their cargoes to them without the payment of additional duties; and they shall not pay duties of any description for sections or pieces of vessels, nor for the machinery or materials which they may introduce for use in the construction of said vessels.

Bolivian ports on such tributaries open to foreign commerce.

All places accessible to these, or other vessels of the United States, upon the said Bolivian tributaries of the Amazon or La Plata, shall be considered as ports open to foreign commerce, and subject to the provisions of this treaty, under such regulations as the Government may deem necessary to establish for the collection of custom-house, port, light-house, police and pilot duties. And such vessels may discharge and receive freight or cargo, being effects of the country or foreign, at any one of said ports, notwithstanding the provisions of Article III.

ARTICLE XXVIII.

Treatment of citizens of one nation in territory of the other in time of war.

If, by any fatality, (which cannot be expected, and which God forbid,) the two contracting parties should be engaged in a war with each other, they agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories of the United States and the Republic of Bolivia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXIX.

Debts and securities not to be confiscated.

Neither the debts due from the individuals of one nation to the individuals of the other, nor shares, nor moneys which they may have in the public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

Article XXX.

Most favored nation.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, agree to grant to the Envoys, Ministers and other public Agents, the same favors, immunities and exemptions which those of the most favored nation do or may enjoy; it being understood that whatever favors, immunities or privileges the United States of America or the Republic of Bolivia may find it proper to give to the Ministers and other public Agents of any other power shall, by the same act, be extended to those of each of the contracting parties.

Article XXXI.

Liberty to appoint Consuls.

To make effectual the protection which the United States and the Republic of Bolivia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

Article XXXII.

Exequatura.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, immunities and prerogatives which belong to them by their public character, they shall, before entering upon their functions, exhibit their commission or patent in due form to the Government to which they are accredited, and having obtained their exequatur they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

Article XXXIII.

Privileges of Consuls.

It is also agreed that the Consuls, and officers and persons attached to the consulate, they not being citizens of the country in which the Consul resides, shall be exempted from all kinds of imposts and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject, being, in everything besides, subject to the laws of the respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Article XXXIV.

Deserters.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels or ships' roll, or other public documents, that those men were

part of the said crews; and on this demand, so proved, (saving, however, when the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged or to others of the same nation; but if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXXV.

Agreement to make a consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties agree, as soon hereafter as circumstances will permit them, to form a consular convention which shall declare especially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXVI.

The United States of America and the Republic of Bolivia, desiring to make as durable as circumstances will permit the relations which are established between the two parties by virtue of this treaty of peace, amity, commerce and navigation, declare solemnly and agree to the following points:

Duration of this treaty.

1st. The present treaty shall remain in full force and virtue for the term of ten years, to be counted from the day of the exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years; and it is agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be perpetual and permanently binding on both powers.

Violation of treaty by citizens of either nation.

2d. If one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender or sanction such violation.

Agreement as to amicable settlement of differences caused by violations of the treaty.

3d. If, (what indeed cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated, or infringed in any other mode whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages until the said party considering itself offended shall have first presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other Sovereigns and States.

The present treaty of peace, amity, commerce and navigation shall

be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Bolivia, with the approbation of the National Congress; and the ratifications shall be exchanged in the capital of the Republic of Bolivia within eight months, to be counted from the date of the ratification by both Governments. Ratifications.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Boliva, have signed and sealed these presents.

Done in La Paz, on the thirteenth day of May, in the year of our Lord one thousand eight hundred and fifty-eight.

[SEAL.] JOHN W. DANA.
[SEAL.] LUCAS M. de la TAPIA.

BORNEO.

1850.

TREATY OF PEACE, FRIENDSHIP, COMMERCE AND NAVIGATION.

Concluded June 23, 1850; *Ratifications exchanged at Bruni July* 11, 1853; *Proclaimed July* 12, 1854.

His Highness Omar Ali Saifeddin ebn Marhoum Sultan Mahomed Jamalel Alam and Pangiran Anak Mumin, to whom belong the government of the country of Bruni and all its provinces and dependencies, for themselves and their descendants on the one part, and the United States of America on the other, have agreed to cement the friendship which has long and happily existed between them, by a Convention, containing the following articles:

ARTICLE I.

Declaration of amity.

Peace, friendship and good understanding shall from henceforward and forever subsist between the United States of America and His Highness Omar Ali Saifeddin, Sultan of Borneo, and their respective successors and citizens and subjects.

ARTICLE II.

Liberty of commerce.

The citizens of the United States of America shall have full liberty to enter into, reside in, trade with, and pass with their merchandise through all parts of the dominions of His Highness the Sultan of Borneo, and they shall enjoy therein all the privileges and advantages, with respect to commerce or otherwise, which are now or which may hereafter be granted to the citizens or subjects of the most favored nation; and the subjects of His Highness, the Sultan of Borneo, shall, in like manner, be at liberty to enter into, reside in, trade with, and pass through with their merchandise through all parts of the United States of America as freely as the citizens and subjects of the most favored nation; and they shall enjoy in the United States of America all the privileges and advantages, with respect to commerce or otherwise, which are now or which may hereafter be granted therein to the citizens or subjects of the most favored nation.

ARTICLE III.

Protection to citizens of U. S. and their property in Borneo.

Citizens of the United States shall be permitted to purchase, rent or occupy, or in any other legal way to acquire, all kinds of property within the dominions of His Highness the Sultan of Borneo; and His Highness engages that such citizens of the United States of America shall, as far as lies in his power, within his

dominions, enjoy full and complete protection and security for themselves, and for any property which they may so acquire in future, or which they may have acquired already before the date of the present convention.

ARTICLE IV.

No article whatever shall be prohibited from being imported into or exported from the territories of His Highness the Sultan of Borneo; but the trade between the United States of America and the dominions of His Highness the Sultan of Borneo shall be perfectly free, and shall be subject only to the custom duties which may hereafter be in force in regard to such trade.

ARTICLE V.

No duty exceeding one dollar per registered ton shall be levied on American vessels entering the ports of His Highness the Sultan of Borneo; and this fixed duty of one dollar per ton, to be levied on all American vessels, shall be in lieu of all other charges or duties whatsoever. His Highness, moreover, engages that American trade and American goods shall be exempt from any internal duties, and also from any injurious regulations which may hereafter, from whatever causes, be adopted in the dominions of the Sultan of Borneo.

Tonnage duties on vessels of the U. S.

ARTICLES VI.

His Highness the Sultan of Borneo agrees that no duty whatever shall be levied on the exportation from His Highness' dominions of any article, the growth, produce or manufacture of those dominions.

ARTICLE VII.

His Highness the Sultan of Borneo engages to permit the ships of war of the United States of America freely to enter the ports, rivers and creeks situate within his dominions, and to allow such ships to provide themselves, at a fair and moderate price, with such supplies, stores and provisions as they may from time to time stand in need of.

Ships of war of the U. S. permitted to enter ports of Borneo.

ARTICLE VIII.

If any vessel under the American flag should be wrecked on the coast of the dominions of His Highness the Sultan of Borneo, His Highness engages to give all the assistance in his power to recover for and deliver over to the owners thereof all the property that can be saved from such vessels. His Highness further engages to extend to the officers and crew and to all other persons on board of such wrecked vessels, full protection, both as to their persons and as to their property.

Shipwrecks.

ARTICLE IX.

His Highness the Sultan of Borneo agrees that in all cases where a citizen of the United States shall be accused of any crime committed in any part of His Highness' dominions, the person so accused shall be exclusively tried and adjudged by the American Consul, or other officer duly appointed for that purpose; and in all cases where disputes or differences may arise between American citizens, or between American citizens and the sub-

Judicial exterritoriality granted to U. S. for cases in which American citizens are concerned.

jects of His Highness, or between American citizens and the citizens or subjects of any other foreign power in the dominions of the Sultan of Borneo, the American Consul, or other duly appointed officer, shall have power to hear and decide the same, without any interference, molestation or hindrance on the part of any authority of Borneo, either before, during or after the litigation.

Ratifications. This treaty shall be ratified, and the ratifications thereof shall be exchanged at Bruni at any time prior to the fourth day of July, in the year one thousand eight hundred and fifty-four.

Done at the city of Bruni on this twenty-third day of June, anno Domini one thousand eight hundred and fifty, and on the thirteenth day of the month Saaban, of the year of the Hegira one thousand two hundred and sixty-six.

[SEAL.] JOSEPH BALESTIER,
[SEAL.] OMAR ALI SAIFEDDIN.

BRAZIL.

1828.*

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION.

Concluded December 12, 1828; *Ratifications exchanged at Washington March* 18, 1829; *Proclaimed March* 18, 1829.

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the Emperor of Brazil, desiring to establish a firm and permanent peace and friendship between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace, friendship, commerce and navigation.

For this most desirable object, the President of the United States has conferred full powers on William Tudor, their Chargé d'Affaires at the Court of Brazil; and His Majesty the Emperor of Brazil, on the Most Illustrious and Most Excellent Marquez of Aracaty, a member of his Council, Gentleman of the Imperial Bedchamber, Councillor of the Treasury, Grand Cross of the Order of Aviz, Senator of the Empire, Minister and Secretary of State for Foreign Affairs, and Miguel de Souza Mello e Alvim, a member of his Council, Commander of the Order of Aviz, Knight of the Imperial Order of the Cross, Chief of Division in the Imperial and National Navy, Minister and Secretary of State for the Marine; Negotiators.

Who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, firm and inviolable peace and friendship between the United States of America and their citizens and His Imperial Majesty, his successors and subjects, throughout their possessions and territories respectively, without distinction of persons or places. Declaration of amity.

ARTICLE II.

The United States of America and His Majesty the Emperor of Brazil, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing Most favored nation.

* See Notes: "Abrogated, suspended or obsolete treaties."

the same compensation if the concession was conditional. It is understood, however, that the relations and conventions which now exist, or may hereafter exist, between Brazil and Portugal, shall form an exception to this article.

ARTICLE III.

Freedom of commerce and navigation.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures and merchandise; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which native citizens or subjects do or shall enjoy, submitting themselves to the laws, decrees and usages there established, to which native citizens or subjects are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

Coasting trade.

ARTICLE IV.

No discrimination in tonnage duties.

They likewise agree that whatever kind of produce, manufactures or merchandise of any foreign country can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in vessels of Brazil; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or the other. And in like manner, that whatever kind of produce, manufactures or merchandise of any foreign country, can be, from time to time, lawfully imported into the Empire of Brazil, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported, or reëxported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or reëxported in the vessels of the other country. And the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or reëxportation be made in vessels of the United States or of the Empire of Brazil. The Government of the United States, however, considering the present state of the navigation of Brazil, agrees that a vessel shall be considered as Brazilian when the proprietor and captain are subjects of Brazil and the papers are in legal form.

Proofs of nationality of Brazilian vessels.

ARTICLE V.

No discrimination in duties on exports and imports.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Empire of Brazil, and no higher or other duties shall be imposed on the importation into the Empire of Brazil of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the ex-

portation of any articles to the United States, or to the Empire of Brazil, respectively, than such as are payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States, or of the Empire of Brazil, to or from the territories of the United States, or to or from the territories of the Empire of Brazil, which shall not equally extend to all other nations.

ARTICLE VI.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships and other citizens or subjects of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being in all these cases to be treated as citizens or subjects of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

Privileges of resident aliens in business affairs.

ARTICLE VII.

The citizens and subjects of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes or merchandise or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

Indemnity for vessels and cargo subjected to embargo.

ARTICLE VIII.

Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels, whether of merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection, for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

Asylum granted to vessel in distress.

ARTICLE IX.

All the ships, merchandise and effects belonging to the citizens or subjects of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried or found in the rivers, roads, ports, bays or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals, it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys or agents of their respective Governments.

Property captured by pirates.

ARTICLE X.

When any vessel belonging to the citizens or subjects of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of

Shipwrecks.

the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost or contribution whatever, until they may be exported, unless they be destined for consumption.

ARTICLE XI.

Property of resident aliens.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise; and their representatives, being citizens or subjects of the other party, shall succeed to the said personal goods, whether by testament, or ab intestato, and they may take possession thereof, either by themselves, or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases; and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XII.

Special protection to persons and property of citizens of one nation in territory of the other.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens and subjects of each other, of all occupations, who may be in their territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial intercourse, on the same terms which are usual and customary with the natives or citizens and subjects of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents and factors, as they may judge proper in all their trials at law.

ARTICLE XIII.

Religious freedom.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens or subjects of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens and subjects of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ARTICLE XIV.

Free ships, free goods.

It shall be lawful for the citizens and subjects of the United States of America and of the Empire of Brazil, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or who hereafter shall be, at enmity with either of the contracting parties. It

hall likewise be lawful for the citizens and subjects aforesaid to sail vith the ships and merchandises before mentioned, and to trade with he same liberty and security, from the places, ports and havens of hose who are enemies of either party, without any opposition or dis-urbance whatsoever, not only directly from the places of the enemy ›efore mentioned to neutral places, but also from one place belonging o an enemy to another place belonging to an enemy, whether they be nder the jurisdiction of one power or under several. And it is hereby ·tipulated that free ships shall also give freedom to goods, and that verything shall be deemed to be free and exempt which shall be found n board the ships belonging to the citizens or subjects of either of the ontracting parties, although the whole lading, or any part thereof, hould appertain to the enemies of either, contraband goods being always xcepted. It is also agreed in like manner that the same liberty be xtended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, hey are not to be taken out of that free ship unless they are officers or oldiers and in the actual service of the enemies; provided, owever, and it is hereby agreed, that the stipulations in this rticle contained, declaring that the flag shall cover the roperty, shall be understood as applying to those powers only who rec-gnize this principle; but if either of the two contracting parties shall e at war with a third and the other neutral, the flag of the neutral shall over the property of enemies whose Governments acknowledge this rinciple and not of others.

Free ships, free persons.

This principle to be applied only to those powers who acknowledge it.

ARTICLE XV.

It is likewise agreed that, in the case where the neutral flag of one of he contracting parties shall protect the property of the nemies of the other, by virtue of the above stipulation, it hall always be understood that the neutral property found n board such enemy's vessels shall be held and considered as enemy's roperty, and as such shall be liable to detention and confiscation, except uch property as was put on board such vessel before the declaration of var, or even afterwards, if it were done without the knowledge of it; but he contracting parties agree that, four months having elapsed after the eclaration, their citizens shall not plead ignorance thereof. On the ontrary, if the flag of the neutral does not protect the enemy's prop-rty, in that case the goods and merchandise of the neutral embarked n such enemy's ship shall be free.

Enemy's flag will not protect property of neutrals.

ARTICLE XVI.

This liberty of commerce and navigation shall extend to all kinds of nerchandises, excepting those only which are distinguished y the name of contraband; and under this name of con-raband or prohibited goods shall be comprehended—

Contraband goods.

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, uzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, hal-›erds and grenades, bombs, powder, matches, balls and all other things ›elonging to the use of these arms.

2d. Bucklers, helmets, breast plates, coats of mail, infantry belts and lothes made up in the form and for a military use.

3d. Cavalry belts, and horses with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, rass and copper or of any other materials manufactured, prepared and ormed expressly to make war by sea or land.

ARTICLE XVII.

Privilege of neutral to trade with enemy in goods not contraband.

All other merchandise and things not comprehended in the articles of contraband, expressly enumerated and classified as above, shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places are only besieged or blockaded which are actually attacked by a force capable of preventing the entry of the neutral.

Blockade.

ARTICLE XVIII.

Free ships and goods not to be detained after delivery of contraband articles.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and all the other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

ARTICLE XIX.

Notice of blockade.

And whereas it frequently happens that vessels sail for a port or a place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof. And if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port blockaded and discharge the said cargo, and if after receiving the said warning the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

Free egress for ships and goods in ports previous to declaration of blockade.

ARTICLE XX.

Visitation and search.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the

other contracting party, the first shall remain at the greatest distance compatible with making the visit under the circumstances of the sea and wind and the degree of suspicion attending the vessel to be visited and shall send its smallest boat, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE XXI.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens and subjects of the two contracting parties, they have agreed and do agree, that in case one of them shall be engaged in war, the ships and vessels belonging to the citizens or subjects of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens or subjects of one of the parties; they have likewise agreed, that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

Proofs of nationality of vessels.

ARTICLE XXII.

It is further agreed that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply only to those which sail without convoy; and when said vessel shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries; and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Vessels under convoy not subject to visitation.

ARTICLE XXIII.

It is further agreed that in all cases the established courts for prize causes, in the countries to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal, of either party, shall pronounce judgment against any vessel, or goods, or property claimed by the citizens or subjects of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceed-

Prize courts only competent to have cognizance of prize causes.

ings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXIV.

Letters of marque.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen or subject of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or coöperating hostilely with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

ARTICLE XXV.

Treatment of citizens of one nation in the territory of the other in time of war.

If, by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens and subjects of all other occupations, who may be established in the territories or dominions of the United States, and of the Empire of Brazil, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVI.

Debts and securities not subject to confiscation.

Neither the debts due from the individuals of the one nation to the individuals of the other, nor shares nor money which they may have in public funds nor in public or private banks, shall ever in any event of war or national difference be sequestrated or confiscated.

ARTICLE XXVII.

Most favored nation privileges accorded to public ministers.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree, to grant to their Envoys, Ministers, and other public Agents, the same favors, immunities and exemptions which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities or privileges the United States of America or the Empire of Brazil may find it proper to give the Ministers and public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXVIII.

Consuls.

To make more effectual the protection which the United States and the Empire of Brazil shall afford in future to the navigation and commerce of the citizens and subjects of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the

most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE XXIX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commissions or patent, in due form, to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

Exequaturs.

ARTICLE XXX.

It is likewise agreed that the Consuls, their secretaries, officers and persons attached to the service of Consuls, they not being citizens or subjects of the country in which the Consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens or subjects and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Privileges of Consuls, citizens of the country appointing them.

ARTICLE XXXI.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll or other public documents, that those men were part of said crews; and on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prison, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause.

Deserters.

ARTICLE XXXII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Agreement to make a consular convention.

Article XXXIII.

The United States of America and the Emperor of Brazil, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce and navigation, have declared solemnly and do agree to the following points:

Duration of treaty.

1st. The present treaty shall be in force for twelve years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years; and it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all the parts relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both powers.

Violation of treaty by citizens of either nation.

2d. If any one or more of the citizens or subjects of either party shall infringe any of the articles of this treaty, such citizen or subject shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender or sanction such violation.

3d. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other Sovereigns or States.

Ratifications.

The present treaty of peace, amity, commerce and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Emperor of Brazil, and the ratifications shall be exchanged within eight months from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of His Majesty the Emperor of Brazil, have signed and sealed these presents.

Done in the City of Rio de Janeiro, this twelfth day of the month of December, in the year of our Lord Jesus Christ one thousand eight hundred and twenty-eight.

[SEAL.] W. Tudor.
[SEAL.] Marquez de Aracaty.
[SEAL.] Miguel de Souza Mello E Alvim.

1849.

ONVENTION FOR THE SATISFACTION OF CLAIMS OF CITIZENS OF THE UNITED STATES.

ncluded January 27, 1849; *Ratifications exchanged at Washington January* 18, 1850; *Proclaimed January* 19, 1850.

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the Emperor of Brazil, siring to remove every cause that might interfere with the good unrstanding and harmony which now happily exists between them, and nich it is so much the interest of both countries to maintain; and to me, for that purpose, to a definitive understanding, equally just and norable to each, as to the mode of settling the long-pending questions ising out of claims of citizens of said States, have for the same apinted and conferred full powers, respectively, to wit:

The President of the United States of America, on David Tod, Envoy xtraordinary and Minister Plenipotentiary from the said ates near the court of Brazil; and His Majesty the Em- ror of Brazil, upon the most illustrious and most excellent Viscount Olinda, of his Council, and of the Council of State, Senator and Grane of the Empire, Grand Cross of the Order of Saint Stephen of Hunry, of the Legion of Honor of France, and of Saint Maurice and Saint azarus of Sardinia, Officer of the Imperial Order of the Cross, Comander of the Order of Christ, President of the Council of Ministers, inister and Secretary of State for Foreign Affairs; Negotiators.

Who, after exchanging their full powers, which were found in good d proper form, agreed to the following articles:

Article I.

The two high contracting parties, appreciating the difficulty of agreeing on the subject of said reclamations, from the belief entertained by each—one of the justice of the claims, and the other their injustice—and being convinced that the only equitable and honorable method by which the two countries can arrive at a rfect understanding of said questions is to adjust them by a single t, they mutually agreed, after a mature examination of these claims, d, in order to carry this agreement into execution, it becomes the ty of Brazil, to place at the disposition of the President of the Uni1 States the amount of five hundred and thirty thousand milreis, rrent money of Brazil, as a reasonable and equitable sum; which shall nprehend the whole of the reclamations, whatever may be their ture and amount and as full compensation for the indemnifications imed by the Government of said States, to be paid in a round sum, thout reference to any one of said claims, upon the merits of which e two high contracting parties refrain from entering; it being left to e Government of the United States to estimate the justice that may rtain to the claimants, for the purpose of distributing among them the oresaid sum of five hundred and thirty thousand milreis as it may em most proper. 530,000 milreis to be paid to the United States for satisfaction of claims.

ARTICLE II.

Brazil exonerated from responsibility arising from the claims.

In conformity to what is agreed upon in the preceding article, Brazil is exonerated from all responsibility springing out of the aforesaid claims presented by the Government of the United States up to the date of this convention, which can neither be reproduced nor reconsidered in future.

ARTICLE III.

Documents concerning the claims to be furnished the United States.

In order that the Government of the United States may be enabled properly to consider the claims of the citizens of said States, they remaining, as above declared, subject to its judgment, the respective documents which throw light upon them shall be delivered by the Imperial Government to that of the United States, so soon as this convention shall receive the ratification of the Government of said States.

ARTICLE IV.

Time of payment of indemnity.

The sum agreed upon shall be paid by the Imperial Government to that of the United States, in the current money of Brazil, as soon as the exchange of the ratifications of this convention is made known in this capital, for which His Majesty the Emperor of Brazil pledges himself to obtain the necessary funds at the next session of the legislature.

ARTICLE V.

Indemnity subject to interest until paid.

The payment of the sum above named, of five hundred and thirty thousand milreis, shall not be made until after the reception of the notice in this capital of the exchange of ratifications; but the said sum shall bear interest, at six per centum per annum, from the first day of July next. The Imperial Government, however, obliges itself to make good that interest only when, in conformity to the preceding article of this convention, the amount stipulated shall be paid.

ARTICLE VI.

Ratifications.

The present convention shall be ratified, and the ratifications exchanged, in Washington, within twelve months after it is signed in this capital, or sooner if possible.

In faith of which we, Plenipotentiaries of the United States of America and of His Majesty the Emperor of Brazil, sign and seal the same.

Done in the city of Rio de Janeiro, this twenty-seventh day of January, in the year of our Lord one thousand eight hundred and forty-nine.

[SEAL.] DAVID TOD.
[SEAL.] VISCONDE de OLINDA.

1878.

AGREEMENT CONCERNING TRADE-MARKS.

Concluded September 24, 1878; *Proclaimed June* 17, 1879.

The Government of the United States of America and the Government of His Majesty the Emperor of Brazil, with a view to the reciprocal

protection of the marks of manufacture and trade in the two countries, have agreed as follows:

The citizens or subjects of the two High Contracting Parties shall have in the dominions and possessions of the other, the same rights as belong to native citizens or subjects, in everything relating to property in marks of manufacture and trade.

It is understood that any person who desires to obtain the aforesaid protection must fulfill the formalities required by the laws of the respective countries.

In witness whereof the undersigned duly authorized to this end, have signed the present agreement and have affixed thereto the seals of their arms.

Done in duplicate at Rio de Janeiro the twenty-fourth day of the month of September, one thousand eight hundred and seventy-eight.

[SEAL.] HENRY WASHINGTON HILLIARD.
[SEAL.] B. de VILLA BELLA.

BREMEN.*

1853.

DECLARATION OF ACCESSION† OF THE SENATE OF THE FREE HANSEA TIC CITY OF BREMEN TO THE CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVES FROM JUSTICE, BETWEEN PRUSSIA AND OTHEI STATES OF THE GERMANIC CONFEDERATION AND THE UNITED STATES

Concluded September 6, 1853; *Ratifications exchanged at Washingto October* 14, 1853; *Proclaimed October* 15, 1853.

Whereas a Convention for the mutual delivery of criminals fugitive from justice, in certain cases, between Prussia and other states of th Germanic Confederation, on the one part, and the United States o North America on the other part, was concluded at Washington, o the 16th June, 1852, by the Plenipotentiaries of the contracting parties and was subsequently duly ratified on the part of the contracting gov ernments; and whereas, pursuant to the second article of the said con vention, the United States have agreed that the stipulations of th said convention shall be applied to any other State of the Germani Confederation which might subsequently declare its accession thereto Therefore the Senate of the free Hanseatic city of Bremen accordingl hereby declares their accession to the said convention of the sixteent June, 1852, which is literally as follows:

[A copy of the convention of the sixteenth of June, 1852, between th United States and Prussia and other Germanic States is here inserted:

And hereby expressly promises that all and every one of the article and provisions contained in the said convention shall be faithfully ob served and executed within the dominion of the free Hanseatic city o Bremen.

In faith whereof the President of the Senate has executed the presen declaration of accession, and has caused the great seal of Bremen to b affixed to the same.

Done at Bremen the sixth day of September, eighteen hundred an fifty-three.

The President of the Senate,

[SEAL.] SMIDT.

BREULS,
Secretary.

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* See also Hanseatic Republics. †Translation.

BRUNSWICK AND LÜNEBURG.

1854.

CONVENTION RESPECTING PROPERTY.

Concluded August 21, 1854; *Ratifications exchanged at Washington July* 28, 1855; *Proclaimed July* 30, 1855.

The President of the United States of America and His Highness the Duke of Brunswick and Lüneburg, animated by the desire to secure and extend by an amicable convention the relations happily existing between the two countries, have, to this effect, appointed as their Plenipotentiaries, to wit:

The President of the United States of America, William L. Marcy, Secretary of State of the United States; and His Highness the Duke of Brunswick and Lüneburg, Dr. Julius Samson, his said Highness' Consul at Mobile, Alabama; Negotiators.

Who, after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles:

ARTICLE I.

The citizens of each one of the high contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other, subject to the laws of the State or country where the domicil is, or the property is found, either by testament, donation or ab intestato, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or ab intestato, and they may take possession of the same, either personally or by attorney, and dispose of them as they may think proper, paying to the respective Governments no other charges than those to which the inhabitants of the country in which the said property shall be found would be liable in a similar case; and in the absence of such heir or heirs the same care shall be taken of the property that would be taken in the like case for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same; and in case any dispute should arise between claimants to the same succession, as to the property thereof, the question shall be decided according to the laws, and by the judges, of the country in which the property is situated.

Privileges respecting property of citizens of one nation in territory of the other.

Absent heirs.

ARTICLE II.

Disposition of real property which cannot be legally held by alien heirs.

If by the death of a person owning real property in the territory of one of the high contracting parties such property should descend, either by the laws of the country or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, such term as the laws of the State or country will permit shall be allowed to him to dispose of such property, and collect and withdraw the proceeds thereof, without paying to the Government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which such real property may be situated.

ARTICLE III.

Duration of this convention.

The present convention shall be in force for the term of twelve years from the date hereof; and further until the end of twelve months after the Government of the United States on the one part, or that of His Highness the Duke of Brunswick and Lüneburg on the other, shall have given notice of its intention of terminating the same.

Ratifications.

This convention shall be ratified, and the ratifications shall be exchanged at Washington, within twelve months after its date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present convention, and have thereunto affixed their seals.

Done at Washington this twenty-first day of August, in the year of our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-ninth.

[SEAL.] W. L. MARCY.
[SEAL.] JULIUS SAMSON.

CENTRAL AMERICA.

1825.*

ENERAL CONVENTION OF PEACE, AMITY, COMMERCE AND NAVIGATION.

'oncluded December 5, 1825; *Ratifications exchanged at Guatemala August* 2, 1826; *Proclaimed October* 28, 1826.

The United States of America and the Federation of the Centre of America, desiring to make firm and permanent the peace and friendship which happily prevail between both nations, have resolved to fix, in manner clear, distinct and positive, the rules which shall in future e religiously observed between the one and the other, by means of a reaty, or general convention of peace, friendship, commerce and navgation.

For this most desirable object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State; and the Executive Power of the Federation of the Centre of America on Antonio José Cañas, a Deputy of he Constituent National Assembly for the Province of San Salvador, nd Envoy Extraordinary and Minister Plenipotentiary of that Republic near the United States; Negotiators.

Who, after having exchanged their said full powers in due and proper orm, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Federation of the Centre of America, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places. Declaration of amity.

ARTICLE II.

The United States of America and the Federation of the Centre of America, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor o other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation if the concession was conditional. Most favored nation.

* See Notes: "Abrogated, suspended or obsolete treaties."

ARTICLE III.

Freedom of commerce and navigation.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures and merchandise; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce which native citizens do or shall enjoy, submitting themselves to the laws, decrees and usages there established to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE IV.

No discrimination in tonnage duties.

They likewise agree that whatever kind of produce, manufacture or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the Federation of the Centre of America; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And in like manner that whatever kind of produce, manufactures or merchandise of any foreign country can be, from time to time, lawfully imported into the Central Republic, in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo, shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Central Republic.

ARTICLE V.

No discrimination in duties on imports and exports.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Federation of the Centre of America, and no higher or other duties shall be imposed on the importation into the Federation of the Centre of America of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Federation of the Centre of America, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States or of the Federation of the Centre of America, to or from the territories of the United States or to or from the territories of the Federation of the Centre of America, which shall not equally extend to all other nations.

ARTICLE VI.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships and other citizens, of both countries, to manage, themselves, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

Privileges of citizens of one nation in territory of the other in business affairs.

ARTICLE VII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

Indemnity guaranteed to vessels and cargoes detained by embargo.

ARTICLE VIII.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

Asylum granted to vessels in distress.

ARTICLE IX.

All the ships, merchandise and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys or agents of the respective Governments.

Captures by pirates.

ARTICLE X.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost or contribution whatever, until they may be exported.

Shipwrecks.

Article XI.

Privileges respecting property of citizens of one nation in territory of the other.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdition of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein said goods are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction, on the part of the Government of the respective States.

Article XII.

Special protection to be given to the citizens of one nation in territory of the other.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

Article XIII.

Religious freedom.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the country subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

Article XIV.

Free ships, free goods.

It shall be lawful for the citizens of the United States of America and of the Federation of the Centre of America to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the places of those who now are or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and se-

curity from the places, ports and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemy: *Provided*, However, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

This privilege to be granted only to those nations who accede to the doctrine.

Article XV.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral, embarked in such enemy's ships, shall be free.

Cargo of a neutral not protected by the enemy's flag.

Article XVI.

This liberty of navigation and commerce shall extend to all kinds of merchandise excepting those only which are distinguished by the name of contraband, and under this name of contraband or prohibited goods shall be comprehended:

Contraband goods.

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms;

2d. Bucklers, helmets, breastplates, coats of mail, infantry belts and clothes, made up in the form and for a military use;

3d. Cavalry belts, and horses with their furniture;

4th. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

Article XVII.

Privilege of neutral to trade with enemy in goods not contraband.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Article XVIII.

Freedom from detention and confiscation on delivery of contraband goods.

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband whenever the master, captain or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

Article XIX.

Notice of blockade to be given.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless after warning of such blockade or investment from the commanding officer of the blockading forces she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Article XX.

Visitation and search.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, and may send its boat with two or three men only in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill treatment, for which the commanders of the said armed ships shall be responsible

with their persons and property, for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers or for any other purpose whatever.

ARTICLE XXI.

Proofs of nationality of vessels.

To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed and do agree that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE XXII.

Vessels under convoy not subject to visitation and search.

It is further agreed that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy the verbal declaration of the commander of the convoy on his word of honor that the vessels under his protection belong to the nation whose flag he carries—and when they are bound to an enemy's port that they have no contraband goods on board—shall be sufficient.

ARTICLE XXIII.

Prize courts only competent to have cognizance of prize cases.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded and an authenticated copy of the sentence or decree and of all the proceedings in the case shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXIV.

Letters of marque.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or coöperating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

ARTICLE XXV.

Treatment of citizens of one nation in territory of the other in time of war.

If, by any fatality which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States and of the Federation of the Centre of America, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVI.

Debts and securities not to be confiscated.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

ARTICLE XXVII.

Favored nation privileges accorded to public ministers.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers and other Public Agents, the same favors, immunities and exemptions which those of the most favored nations do or shall enjoy, it being understood that whatever favors, immunities or privileges the United States of America or the Federation of the Centre of America may find it proper to give to the Ministers and Public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXVIII.

Liberty to appoint Consuls.

To make more effectual the protection which the United States and the Federation of the Centre of America shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE XXIX.

Exequatur.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accred-

ited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

ARTICLE XXX.

Privileges of Consuls.

It is likewise agreed that the Consuls, their Secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXI.

Deserters.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, or other public documents, that those men were part of the said crews; and, on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belong, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty and shall be no more arrested for the same cause.

ARTICLE XXXII.

Agreement to make a consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXIII.

The United States of America and the Federation of the Centre of America, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty or general convention of peace, amity, commerce or navigation, have declared solemnly, and do agree to the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both powers.

Duration of treaty.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender or sanction such violation.

Violation of treaty by citizens of either nation.

3d. If, (which indeed cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other on complaints of injuries or damages until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of peace, amity, commerce and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Government of the Federation of the Centre of America, and the ratifications shall be exchanged in the city of Guatemala within eight months from the date of the signature hereof, or sooner if possible.

Ratifications.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Federation of the Centre of America, have signed and sealed these presents.

Done in the city of Washington on the fifth day of December, in the year of our Lord one thousand eight hundred and twenty-five, in the fiftieth year of the Independence of the United States of America, and the fifth of that of the Federation of the Centre of America, in duplicate.

[SEAL.] H. CLAY.

[SEAL.] ANTONIO JOSÉ CAÑAS

CHILI.

1832.*

GENERAL CONVENTION OF PEACE, AMITY, COMMERCE AND NAVIGATION.

Concluded May 16, 1832; Ratifications exchanged at Washington April 29, 1834; Proclaimed April 29, 1834.

In the name of God, Author and Legislator of the Universe.

The United States of America and the Republic of Chili, desiring to make firm and lasting the friendship and good understanding which happily prevail between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace and friendship, commerce and navigation.

For this most desirable object, the President of the United States of America, by and with the advice and consent of the Senate thereof, has appointed and conferred full powers on John Hamm, a citizen of said States, and their Chargé d'Affaires near the said Republic; and His Excellency the President of the Republic of Chili has appointed Señor Don Andres Bello, a citizen of the said Republic; Negotiators.

And the said Plenipotentiaries, after having mutually produced and exchanged copies of their full powers in due and proper form, have agreed upon and concluded the following articles, videlicet:

ARTICLE I.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of Chili, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places. Declaration of amity.

ARTICLE II.

The United States of America and the Republic of Chili, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually, not to grant any particular favor to other nations in respect of commerce and navigation, which shall not, immediately, become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation if the concession was conditional. It is understood, however, that the relations and convention which now exist, or may hereafter exist, between Most favored nation.

*See Notes: "Abrogated, suspended or obsolete treaties."

the Republic of Chili and the Republic of Bolivia, the federation of the Centre of America, the Republic of Colombia, the United States of Mexico, the Republic of Peru, or the United Provinces of the Rio de la Plata, shall form exceptions to this article.

ARTICLE III.

Freedom of commerce and navigation.

The citizens of the United States of America may frequent all the coasts and countries of the Republic of Chili, and reside and trade there in all sorts of produce, manufactures and merchandise, and shall pay no other or greater duties, charges or fees, whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees and usages there established, and to which are submitted the citizens and subjects of the most favored nations.

In like manner the citizens of the Republic of Chili may frequent all the coasts and countries of the United States of America, and reside and trade there, in all sorts of produce, manufactures and merchandise, and shall pay no other or greater duties, charges or fees whatsoever, than the most favored nation is or shall be obliged to pay, and they shall enjoy all the rights, privileges and exemptions in commerce and navigation which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees and usages there established, and to which are submitted the citizens and subjects of the most favored nations. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

Coasting trade.

ARTICLE IV.

Privileges of citizens of one nation in territory of the other in business affairs.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships and other citizens of both countries, to manage, themselves, their own business, in all ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale and retail, as with respect to the loading, unloading, and sending off their ships, they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ARTICLE V.

Indemnity guaranteed for vessels and cargoes subjected to embargo.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE VI.

Asylum granted to vessels in distress.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels, whether of merchant or of war, public or private, through stress of weather, pursuit

of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE VII.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective Governments. Captures by pirates.

ARTICLE VIII.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered or suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost or contribution whatever, until they may be exported, unless they be destined for consumption in the country. Shipwrecks.

ARTICLE IX.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases; and if in the case of real estate the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation and exempt from any other charges than those which may be imposed by the laws of the country. Property of citizens of one nation in territory of the other.

ARTICLE X.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ in defence of their rights such advocates, solicitors, notaries, agents and factors as they may judge Special protection to citizens of one nation in territory of the other.

proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE XI.

Religious freedom.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying gounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ARTICLE XII.

Free ships, free goods.

It shall be lawful for the citizens of the United States of America and of the Republic of Chili to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either, they are not to be taken out of that free ship unless they are officers or soldiers and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize the principle; but if either of the two contracting parties should be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

This privilege to be accorded only to those nations which accede to the doctrine.

ARTICLE XIII.

Cargo of a neutral not protected by enemy's flag.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's

property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, four months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked in such enemy's ship shall be free.

Article XIV.

Contraband goods.

This liberty of commerce and navigation shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband or prohibited goods, shall be comprehended—

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms.

2. Bucklers, helmets, breastplates, coats of mail, infantry belts and clothes made up in the form and for a military use.

3. Cavalry belts, and horses with their furniture.

4. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

Article XV.

Privilege of neutral to trade with enemy in goods not contraband.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Article XVI.

Freedom from detention and confiscation on delivery of contraband articles.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment according to law.

Article XVII.

Blockade.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless after warning of such blockade or investment from any officer commanding a vessel of the blockading forces she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof; and if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to be warned by the blockading forces, to return to the port blockaded, and discharge the said cargo; and, if after receiving the said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

Article XVIII.

Visitation and search.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with making the visit, under the circumstances of the sea and wind, and the degree of suspicion attending the vessel to be visited, and shall send its smallest boat in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

Article XIX.

Proofs of nationality of vessels.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed and do agree, that, in case one of them shall be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that, such ships being laden, besides the sea-letters or passports, shall also be provided with certificates containing

the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

ARTICLE XX.

Vessels under convoy not subject to visitation and search.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXI.

Prize courts only competent in prize cases.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case, shall, if demanded, be delivered to the commandant or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXII.

Letters of marque.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

ARTICLE XXIII.

Treatment of citizens of one nation in territory of the other in time of war.

If, by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States of America and of the Republic of Chili, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXIV.

Debts and securities not to be confiscated.

Neither the debts due from the individuals of the one nation to the individuals of the other, nor shares, nor money which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestrated or confiscated.

ARTICLE XXV.

Most favored nation privileges accorded to public ministers.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree to grant to their Envoys, Ministers and other Public Agents, the same favors, immunities and exemptions which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities or privileges the United States of America or the Republic of Chili may find it proper to give to the Ministers and Public Agents of any other power, shall by the same act, be extended to those of each of the contracting parties.

ARTICLE XXVI.

Liberty to appoint Consuls.

To make more effectual the protection which the United States of America and the Republic of Chili shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the most favored nations; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE XXVII.

Exequatur.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form, to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such, by all the authorities, magistrates and inhabitants, in the consular district in which they reside.

ARTICLE XXVIII.

Privileges of Consuls.

It is likewise agreed that the Consuls, their Secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Article XXIX.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of said crews; and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prison at the request and expense of those who reclaim them, to be sent to the ships to which they belonged or to others of the same nation. But if they be not sent back within two months, reckoning from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause. It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case may be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Deserters.

Article XXX.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare, specially, the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Agreement to make a consular convention.

Article XXXI.

The United States of America and the Republic of Chili, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties, by virtue of this treaty or general convention of peace, amity, commerce and navigation, have declared solemnly, and do agree to the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be reckoned from the day of the exchange of the ratifications; and, further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years: and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either, from the other party, this treaty in all the parts relating to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both powers.

Duration of treaty.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Violation of treaty by citizens of either nation.

3d. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in

any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party, considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of peace, amity, commerce and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof and by the President of the Republic of Chili, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the City of Washington within nine months, to be reckoned from the date of the signature hereof, or sooner if practicable.

Ratifications.

In faith whereof we, the underwritten Plenipotentiaries of the United States of America and of the Republic of Chili, have signed, by virtue of our powers, the present treaty of peace, amity, commerce and navigation, and have hereunto affixed our seals, respectively.

Done and concluded, in triplicate, in the city of Santiago, this sixteenth day of the month of May, in the year of our Lord Jesus Christ one thousand eight hundred and thirty-two, and in the fifty-sixth year of the Independence of the United States of America, and the twenty-third of that of the Republic of Chili.

[SEAL.] JNO. HAMM.
[SEAL.] ANDRES BELLO.

1833.*

AN ADDITIONAL AND EXPLANATORY CONVENTION TO THE TREATY OF PEACE, AMITY, COMMERCE AND NAVIGATION OF MAY 16, 1832.

Concluded September 1, 1833; *Ratifications exchanged at Washington April* 29, 1834; *Proclaimed April* 29, 1834.

Whereas the time stipulated in the treaty of amity, commerce, and navigation, between the United States of America and the Republic of Chili, signed at the city of Santiago on the sixteenth day of May, 1832, for the exchange of ratifications in the city of Washington has elapsed, and it being the wish of both the contracting parties that the aforesaid treaty should be carried into effect with all the necessary solemnities, and that the necessary explanations should be mutually made to remove all subject of doubt in the sense of some of its articles, the undersigned Plenipotentiaries, namely, John Hamm, a citizen of the United States of America and their Chargé d'Affaires, on the part and in the name of the United States of America, and Señor Don Andres Bello, a citizen of Chili, on the part and in the name of the Republic of Chili, having compared and exchanged their

Negotiators.

* See Notes: "Abrogated, suspended or obsolete treaties."

full powers, as expressed in the treaty itself, have agreed upon the following additional and explanatory articles:

Article I.

It being stipulated by the second article of the aforesaid treaty that the relations and conventions which now exist, or may hereafter exist, between the Republic of Chili and the Republic of Bolivia, the Federation of the Centre of America, the Republic of Columbia, the United States of Mexico, the Republic of Peru or the United Provinces of the Rio de la Plata, are not included in the prohibition of granting particular favors to other nations which may not be made common to the one or the other of the contracting powers; and these exceptions being founded upon the intimate connection and identity of feelings and interests of the new American States, which were members of the same political body under the Spanish dominion, it is mutually understood that these exceptions will have all the latitude which is involved in their principle; and that they will accordingly comprehend all the new nations within the ancient territory of Spanish America, whatever alterations may take place in their constitutions, names or boundaries, so as to include the present States of Uruguay and Paraguay, which were formerly parts of the ancient Vice-Royalty of Buenos Ayres, those of New Granada, Venezuela and Equador in the Republic of Colombia, and any other States which may in future be dismembered from those now existing.

Provisions of the 2d article extended to other new States of South America.

Article II.

It being agreed by the tenth article of the aforesaid treaty that the citizens of the United States of America, personally or by their agents, shall have the right of being present at the decisions and sentences of the tribunals, in all cases which may concern them, and at the examination of witnesses and declarations that may be taken in their trials, and as the strict enforcement of this article may be in opposition to the established forms of the present due administration of justice, it is mutually understood that the Republic of Chili is only bound by the aforesaid stipulation to maintain the most perfect equality in this respect between American and Chilian citizens, the former to enjoy all the rights and benefits of the present or future provisions which the laws grant to the latter in their judicial tribunals, but no special favors or privileges.

Agreement as to perfect equality before the law of citizens of both nations in Chili.

Article III.

It being agreed by the twenty-ninth article of the aforesaid treaty that deserters from the public and private vessels of either party are to be restored thereto by the respective Consuls; and whereas it is declared by the article 132 of the present constitution of Chili that "there are no slaves in Chili," and that "slaves touching the territory of the Republic are free," it is likewise mutually understood that the aforesaid stipulation shall not comprehend slaves serving under any denomination on board the public or private ships of the United States of America.

Slaves not to be comprehended in the observance of the 29th article.

ARTICLE IV.

It is further agreed, that the ratifications of the aforesaid treaty of peace, amity, commerce and navigation, and of the present additional and explanatory convention, shall be exchanged in the city of Washington within the term of eight months, to be counted from the date of the present convention.

Ratifications.

This additional and explanatory convention, upon its being duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Chili, with the consent and approbation of the Congress of the same, and the respective ratifications mutually exchanged, shall be added to, and make a part of, the treaty of peace, amity, commerce and navigation between the United States of America and the Republic of Chili, signed on the said sixteenth day of May, 1832, having the same force and effect as if it had been inserted word for word in the aforesaid treaty.

In faith whereof we, the undersigned Plenipotentiaries of the United States of America and the Republic of Chili, have signed, by virtue of our powers, the aforesaid additional and explanatory convention, and have caused to be affixed our hands and seals, respectively.

Done in the city of Santiago this first day of September, 1833, and in the fifty-eighth year of the Independence of the United States of America, and the twenty-fourth of the Republic of Chili.

[SEAL.] JNO. HAMM.
[SEAL.] ANDRES BELLO.

1858.

CONVENTION CONCERNING THE SUBMISSION TO ARBITRATION OF THE MACEDONIAN CLAIMS.

Concluded November 10, 1858; *Ratifications exchanged at Santiago de Chile October* 15, 1859; *Proclaimed December* 22, 1859.

The Government of the United States of America and the Government of the Republic of Chili desiring to settle amicably the claim made by the former upon the latter for certain citizens of the United States of America, who claim to be the rightful owners of the silver, in coin and in bars, forcibly taken from the possession of Capt. Eliphalet Smith, a citizen of the United States of America, in the valley of Sitana, in the territory of the former Vice-Royalty of Peru, in the year 1821, by order of Lord Cochrane, at the time Vice-Admiral of the Chilian squadron, have agreed, the former to name John Bigler, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and the latter Don Geronimo Urmeneta, Minister of State in the Department of the Interior and of Foreign Relations, in the name and in behalf of their respective Governments, to examine said claim and to agree upon terms of arrangement just and honorable to both Governments.

Negotiators.

The aforesaid Plenipotentiaries, after having exchanged their full powers, and found them in due and good form, sincerely desiring to preserve intact and strengthen the friendly relations which happily

exist between their respective Governments, and to remove all cause of difference which might weaken or change them, have agreed, in the name of the Government which each represents, to submit to the arbitration of His Majesty the King of Belgium, the pending question between them, respecting the legality or illegality of the above referred to capture of silver in coin and in bars, made on the ninth day of May, 1821, by order of Lord Cochrane, Vice-Admiral of the Chilian squadron, in the valley of Sitana, in the territory of the former Vice-Royalty of Peru, the proceeds of sales of merchandise imported into that country in the brig Macedonian, belonging to the merchant marine of the United States of America.

Matter in dispute to be submitted to the arbitration of the King of Belgium.

Therefore the above-named Ministers agree to name His Majesty the King of Belgium as arbiter, to decide with full powers and proceedings ex æquo et bono, on the following points:

First. Is, or is not, the claim which the Government of the United States of America makes upon that of Chili, on account of the capture of the silver mentioned in the preamble of this convention, just in whole or in part?

Subjects for arbitration.

Second. If it be just in whole or in part, what amount is the Government of Chili to allow and pay to the Government of the United States of America, as indemnity for the capture?

Third. Is the Government of Chili, in addition to the capital, to allow interest thereon; and, if so, at what rate and from what date is interest to be paid?

The contracting parties further agree that his Majesty the King of Belgium shall decide the foregoing questions upon the correspondence which has passed between the representatives of the two Governments at Washington and at Santiago, and the documents and other proofs produced during the controversy on the subject of this capture, and upon a memorial or argument thereon to be presented by each.

Documents and evidence to be submitted to arbitrator.

Each party to furnish the arbiter with a copy of the correspondence and documents above referred to, or so much thereof as it desires to present, as well as with its said memorial, within one year at furthest from the date at which they may respectively be notified of the acceptance of the arbiter.

Each party to furnish the other with a list of the papers to be presented by it to the arbiter, three months in advance of such presentation.

And if either party fail to present a copy of such papers, or its memorial, to the arbiter, within the year aforesaid, the arbiter may make his decision upon what shall have been submitted to him within that time.

The contracting parties further agree that the exception of prescription, raised in the course of the controversy, and which has been a subject of discussion between their respective Governments, shall not be considered by the arbiter in his decision, since they agree to withdraw it and exclude it from the present question.

Each of the Governments represented by the contracting parties is authorized to ask and obtain the acceptance of the arbiter; and both promise and bind themselves in the most solemn manner to acquiesce in and comply with his decision, nor at any time thereafter to raise any question, directly or indirectly, connected with the subject-matter of this arbitration.

Decision of arbitrator to be final.

This convention to be ratified by the Governments of the respective contracting parties, and the ratifications to be exchanged within twelve months from this date, or sooner, if possible, in the city of Santiago.

Ratifications.

In testimony whereof the contracting parties have signed and sealed this agreement in duplicate, in the English and Spanish languages, in Santiago, the tenth day of the month of November, in the year of our Lord one thousand eight hundred and fifty-eight.

[SEAL.] JOHN BIGLER,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

[SEAL.] GERONIMO URMENETA,
Plenipotenciario ad hoc.

CHINA.

1844.*

TREATY OF PEACE, AMITY AND COMMERCE.

Concluded July 3, 1844; *Ratifications exchanged at Pwan Tang December* 31, 1845; *Proclaimed April* 18, 1846.

The United States of America and the Ta Tsing Empire, desiring to establish firm, lasting and sincere friendship between the two nations, have resolved to fix, in a manner clear and positive, by means of a treaty or general convention of peace, amity and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries:

For which most desirable object the President of the United States has conferred full powers on their Commissioner, Caleb Cushing, Envoy Extraordinary and Minister Plenipotentiary of the United States to China; and the August Sovereign of the Ta Tsing Empire on his Minister and Commissioner Extraordinary Tsiyeng, of the Imperial House, a Vice Guardian of the Heir Apparent, Governor General of the Two Kwangs, and Superintendent General of the trade and foreign intercourse of the five ports. Negotiators.

And the said Commissioners, after having exchanged their said full powers, and duly considered the premises, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, permanent and universal peace and a sincere and cordial amity, between the United States of America on the one part, and the Ta Tsing Empire on the other part, and between their people respectively, without exception of persons or places. Declaration of amity.

ARTICLE II.

Citizens of the United States resorting to China for the purposes of commerce will pay the duties of import and export prescribed in the tariff, which is fixed by and made a part of this treaty. They shall, in no case, be subject to other or higher duties than are or shall be required of the people of any other nation whatever. Fees and charges of every sort are wholly abolished, and officers of the revenue, who may be guilty of exaction, shall be punished according to the laws of China. If the Chinese Government desire to modify, in any respect, the said tariff, such modification shall be made only in consultation with Consuls or other functionaries thereto duly authorized in behalf of the United States, and with consent thereof. No discrimination in duties on imports and exports.

* See Notes: "Abrogated, suspended or obsolete treaties."

And if additional advantages or privileges, of whatever description, be conceded hereafter by China to any other nation, the United States, and the citizens thereof, shall be entitled thereupon to a complete, equal and impartial participation in the same.

ARTICLE III.

Ports of China opened to citizens of the United States.

The citizens of the United States are permitted to frequent the five ports of Kwang-chow, Amoy, Fuchow, Ningpo and Shanghai, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise to and from any foreign port and either of the said five ports, and from either of the said five ports to any other of them. But said vessels shall not unlawfully enter the other ports of China, nor carry on a clandestine and fraudulent trade along the coasts thereof. And any vessel belonging to a citizen of the United States which violates this provision shall, with her cargo, be subject to confiscation by the Chinese Government.

ARTICLE IV.

Application by Consuls to governmental authorities.

For the superintendence and regulation of the concerns of citizens of the United States doing business at the said five ports, the Government of the United States may appoint Consuls or other officers at the same, who shall be duly recognized as such by the officers of the Chinese Government, and shall hold official intercourse and correspondence with the latter, either personal or in writing, as occasion may require, on terms of equality and reciprocal respect. If disrespectfully treated or aggrieved in any way by the local authorities, said officers on the one hand shall have the right to make representation of the same to the superior officers of the Chinese Government, who will see that full inquiry and strict justice be had in the premises; and, on the other hand, the said Consuls will carefully avoid all acts of unnecessary offence to, or collision with, the officers and people of China.

ARTICLE V.

Privilege of trade accorded to the citizens of the United States.

At each of the said five ports, citizens of the United States lawfully engaged in commerce shall be permitted to import from their own or any other ports into China, and sell there and purchase therein, and export to their own or any other ports, all manner of merchandise, of which the importation or exportation is not prohibited by this treaty, paying the duties which are prescribed by the tariff hereinbefore established, and no other charges whatsoever.

ARTICLE VI.

Consuls of the United States to have custody of the papers of vessels of their nation.

Whenever any merchant vessel belonging to the United States shall enter either of the said five ports for trade, her papers shall be lodged with the Consul or person charged with affairs, who will report the same to the commissioner of customs; and tonnage duty shall be paid on said vessel at the rate of five mace per ton, if she be over one hundred and fifty tons burden; and one mace per ton if she be of the burden of one hundred and fifty tons or under, according to the amount of her tonnage as specified in the register; said payment to be in full of the former charges of measurement and other fees, which are wholly abolished. And if any vessel, which having anchored at one of the said ports, and

Tonnage duties.

there paid tonnage duty, shall have occasion to go to any other of the said ports to complete the disposal of her cargo, the Consul or person charged with affairs, will report the same to the commissioner of customs, who, on the departure of the said vessel, will note in the port-clearance that the tonnage duties have been paid, and report the same to the other custom-houses; in which case on entering another port the said vessel will only pay duty there on her cargo, but shall not be subject to the payment of tonnage duty a second time.

Article VII.

No tonnage duty shall be required on boats belonging to citizens of the United States, employed in the conveyance of passengers, baggage, letters and articles of provision, or others not subject to duty, to or from any of the five ports. All cargo boats, however, conveying merchandise subject to duty, shall pay the regular tonnage duty of one mace per ton, provided they belong to citizens of the United States, but not if hired by them from subjects of China.

Article VIII.

Citizens of the United States, for their vessels bound in, shall be allowed to engage pilots, who will report said vessels at the passes, and take them into port; and, when the lawful duties have all been paid, they may engage pilots to leave port. It shall also be lawful for them to hire, at pleasure, servants, compradors, linguists and writers, and passage or cargo boats, and to employ laborers, seamen and persons for whatever necessary service, for a reasonable compensation, to be agreed on by the parties, or settled by application to the Consular Officer of their Government, without interference on the part of the local officers of the Chinese Government. Pilots.

Article IX.

Whenever merchant vessels belonging to the United States shall have entered port, the superintendent of customs will, if he see fit, appoint custom-house officers to guard said vessels, who may live on board the ship or their own boats, at their convenience; but provision for the subsistence of said officers shall be made by the superintendent of customs, and they shall not be entitled to any allowance from the vessel or owner thereof; and they shall be subject to suitable punishment for any exaction practiced by them in violation of this regulation. Custom-house officers to be stationed on vessels of the United States.

Article X.

Whenever a merchant vessel belonging to the United States shall cast anchor in either of said ports, the supercargo, master or consignee, will, within forty-eight hours, deposit the ship's papers in the hands of the Consul or person charged with affairs of the United States, who will cause to be communicated to the superintendent of customs a true report of the name and tonnage of such vessel, the names of her men, and of the cargo on board; which being done, the superintendent will give a permit for the discharge of her cargo. Procedure to be followed by masters of vessels of the United States on their arrival in Chinese ports.

And the master, supercargo or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars; and the goods so discharged without permit shall be subject to for-

feiture to the Chinese Government. But if the master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports.

Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he will not be subject to pay tonnage or other duties or charges, until, on his arrival at another port, he shall proceed to discharge cargo, when he will pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held to be due after the expiration of said forty-eight hours.

Article XI.

Customs officers to ascertain the duties to be paid.

The superintendent of customs, in order to the collection of the proper duties, will, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo or consignee, to make a just and fair examination of all goods in the act of being discharged for importation or laden for exportation on board any merchant vessel of the United States. And if dispute occur in regard to the value of goods subject to ad valorem duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterwards, be referred to the said Consul to adjust with the superintendent of customs.

Article XII.

Standards of weights and measures.

Sets of standard balances, and also weights and measures, duly prepared, stamped and sealed, according to the standard of the custom-house at Canton, shall be delivered by the superintendents of customs to the Consuls at each of the five ports, to secure uniformity, and prevent confusion in measures and weights of merchandise.

Article XIII.

Tonnage and other duties.

The tonnage duty on vessels belonging to citizens of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the superintendent of customs shall give a port-clearance, and the Consul shall return the ship's papers, so that she may depart on her voyage. The duties shall be paid to the shroffs authorized by the Chinese Government to receive the same in its behalf. Duties payable by merchants of the United States shall be received either in sycee silver or in foreign money, at the rate of exchange as ascertained by the regulation now in force. And imported goods, on their re-sale or transit in any part of the empire, shall be subject to the imposition of no other duty than they are accustomed to pay at the date of this treaty.

Article XIV.

Transhipment of goods from one vessel of United States to another.

No goods on board any merchant vessel of the United States in port are to be transshipped to another vessel, unless there be particular occasion therefor; in which case the occasion shall be certified by the Consul to the superintendent of customs, who may appoint officers to examine into the facts, and permit

the transhipment. And if any goods be transshipped without such application, inquiry and permit, they shall be subject to be forfeited to the Chinese Government.

Article XV.

The former limitation of the trade of foreign nations to certain persons appointed at Canton by the Government, and commonly called Hong-merchants, having been abolished, citizens of the United States engaged in the purchase or sale of goods of import or export, are admitted to trade with any and all subjects of China without distinction; they shall not be subject to any new limitations, nor impeded in their business by monopolies or other injurious restrictions.

Article XVI.

The Chinese Government will not hold itself responsible for any debts which may happen to be due from subjects of China to citizens of the United States, or for frauds committed by them; but citizens of the United States may seek redress in law; and on suitable representation being made to the Chinese local authorities through the Consul, they will cause due examination in the premises, and take all proper steps to compel satisfaction. But in case the debtor be dead, or without property, or have absconded, the creditor cannot be indemnified according to the old system of the co-hong, so-called. And if citizens of the United States be indebted to subjects of China, the latter may seek redress in the same way through the Consul, but without any responsibility for the debt on the part of the United States.

Procedure for collection of debts.

Article XVII.

Citizens of the United States residing or sojourning at any of the ports open to foreign commerce shall enjoy all proper accommodation in obtaining houses and places of business, or in hiring sites from the inhabitants on which to construct houses and places of business, and also hospitals, churches and cemetries. The local authorities of the two Governments shall select in concert the sites for the foregoing objects, having due regard to the feelings of the people in the location thereof; and the parties interested will fix the rent by mutual agreement, the proprietors on the one hand not demanding any exorbitant price, nor the merchant on the other unreasonably insisting on particular spots, but each conducting with justice and moderation. And any desecration of said cemeteries by subjects of China shall be severely punished according to law.

Privileges of citizens of United States residing at any of the five ports.

At the places of anchorage of the vessels of the United States, the citizens of the United States, merchants seamen or others sojourning there, may pass and repass in the immediate neighborhood; but they shall not at their pleasure make excursions into the country among the villages at large, nor shall they repair to public marts for the purpose of disposing of goods unlawfully and in fraud of the revenue.

Places of anchorage.

And, in order to the preservation of the public peace, the local officers of the Government at each of the five ports shall, in concert with the Consul, define the limits beyond which it shall not be lawful for citizens of the United States to go.

ARTICLE XVIII.

Citizens of the United States permitted to employ Chinese teachers.

It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China, without distinction of persons, to teach any of the languages of the empire, and to assist in literary labors; and the persons so employed shall not, for that cause, be subject to any injury on the part either of the Government or of individuals; and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

ARTICLE XIX.

Protection accorded to citizens of United States in China.

All citizens of the United States in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with the subjects of China, shall receive and enjoy, for themselves and everything appertaining to them, the special protection of the local authorities of Government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwellings or their property be threatened or attacked by mobs, incendiaries or other violent or lawless persons, the local officers, on requisition of the Consul, will immediately despatch a military force to disperse the rioters, and will apprehend the guilty individuals, and punish them with the utmost rigor of the law.

ARTICLE XX.

Citizens of United States permitted to re-export goods imported into China.

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same, in part or in whole, to any other of the said ports, shall be entitled to make application, through their Consul, to the superintendent of customs, who, in order to prevent frauds on the revenue, shall cause examination to be made by suitable officers to see that the duties paid on such goods, as entered on the custom-house books, correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port-clearance of the goods, and the amount of duties paid on the same, and deliver the same to the merchant; and shall also certify the facts to the officers of customs of the other ports. All which being done, on the arrival in port of the vessel in which the goods are laden, and everything being found on examination there to correspond, she shall be permitted to break bulk and land the said goods, without being subject to the payment of any additional duty thereon. But if on such examination the superintendent of customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government.

Frauds to evade customs-duties.

ARTICLE XXI.

Ex-territoriality granted the United States in trial of their citizens accused of criminal acts.

Subjects of China who may be guilty of any criminal act towards citizens of the United States shall be arrested and punished by the Chinese authorities according to the laws of China; and citizens of the United States who may commit any crime in China shall be subject to be tried and punished only by the Consul, or other public functionary of the United States, thereto authorized, according to the laws of the United States. And in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

ARTICLE XXII.

Relations of peace and amity between the United States and China being established by this treaty, and the vessels of the United States being admitted to trade freely to and from the five ports of China open to foreign commerce, it is further agreed that in case, at any time hereafter, China should be at war with any foreign nation whatever, and should for that cause exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent parties, full respect being paid to the neutrality of the flag of the United States: Provided that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service; nor shall said flag be fraudulently used to enable the enemy's ships with their cargoes to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

Treatment of vessels of the United States in time of war between China and a third power.

Privileges only to be enjoyed by preserving strict neutrality.

ARTICLE XXIII.

The Consuls of the United States, at each of the five ports open to foreign trade, shall make annually to the respective Governors General thereof a detailed report of the number of vessels belonging to the United States which have entered and left said ports during the year, and of the amount and value of goods imported or exported in said vessels, for transmission to and inspection of the board of revenue.

Consuls required to report statistics to Chinese authorities.

ARTICLE XXIV.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their Consul, or other officer, to determine if the language be proper and respectful, and the matter just and right; in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. In like manner, if subjects of China have special occasion to address the Consul of the United States, they shall submit the communication to the local authorities of their own Government, to determine if the language be respectful and proper, and the matter just and right; in which case the said authorities will transmit the same to the Consul, or other functionary, for his consideration and action in the premises. And if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction.

Communications of citizens of both nations to governmental officers.

Joint arbitrators for settlement of controversies.

ARTICLE XXV.

All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction of, and regulated by the authorities of their own Government. And all controversies occurring in China between citizens of the United States and the subjects of any other Government shall be regulated by the treaties existing between the United States and such Governments, respectively, without interference on the part of China.

Jurisdiction of questions of rights of property and of persons in China.

ARTICLE XXVI.

Jurisdiction of merchant vessels of United States in the five ports.

Merchant vessels of the United States lying in the waters of the five ports of China open to foreign commerce will be under the jurisdiction of the officers of their own Government; who, with the masters and owners thereof, will manage the same without control on the part of China. For injuries done to the citizens or the commerce of the United States by any foreign power, the Chinese Government will not hold itself bound to make reparation. But if the merchant vessels of the United States, while within the waters over which the Chinese Government exercise jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them according to law, and will cause all the property which can be recovered, to be placed in the hands of the nearest Consul, or other officer of the United States, to be by him restored to the true owner. But if, by reason of the extent of territory and numerous population of China, it should, in any case, happen that the robbers cannot be apprehended, or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese Government will not make indemnity for the goods lost.

ARTICLE XXVII.

Shipwrecks.

Vessels forced into any other than one of the five ports.

If any vessel of the United States shall be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of Government, on receiving information of the fact, will immediately adopt measures for their relief and security; and the persons on board shall receive friendly treatment, and be enabled to repair at once to the most convenient of the five ports, and shall enjoy all facilities for obtaining supplies of provisions and water. And if a vessel shall be forced, in whatever way, to take refuge in any port other than one of the free ports, then in like manner the persons on board shall receive friendly treatment, and the means of safety and security.

ARTICLE XXVIII.

Embargo.

Citizens of the United States, their vessels and property, shall not be subject to any embargo; nor shall they be seized and forcibly detained for any pretence of the public service; but they shall be suffered to prosecute their commerce in quiet, and without molestation or embarrassment.

ARTICLE XXIX.

Mutineers and deserters.

The local authorities of the Chinese Government will cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China, and will deliver them up to the Consuls or other officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice, on due requisition by the Chinese local officers addressed to those of the United States.

Jurisdiction of citizens of United States.

The merchants, seamen and other citizens of the United States shall be under the superintendence of the appropriate officers of their Government. If individuals of either nation commit acts of violence and disorder, use arms to the injury of others, or create

disturbances endangering life, the officers of the two Governments will exert themselves to enforce order, and to maintain the public peace, by doing impartial justice in the premises.

ARTICLE XXX.

The superior authorities of the United States and of China in corresponding together shall do so in terms of equality and in the form of mutual communication, (*chau-hwui*). The Consuls and the local officers, civil and military, in corresponding together shall likewise employ the style and form of mutual communication, (*chau-hwui*). When inferior officers of the one Government address superior officers of the other, they shall do so in the style and form of memorial, (*chin-chin*). Private individuals in addressing superior officers shall employ the style of petition, (*pin-ching*). In no case shall any terms or style be suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

Correspondence between the officers of the respective Governments.

Presents not to be demanded.

ARTICLE XXXI.

Communications from the Government of the United States to the Court of China shall be transmitted through the medium of the Imperial Commissioner charged with the superintendence of the concerns of foreign nations with China, or through the Governor-General of the Liang Kwang, that of Min and Cheh, or that of the Liang Kiang.

Transmission of communications.

ARTICLE XXXII.

Whenever ships of war of the United States in cruising for the protection of the commerce of their country shall arrive at any of the ports of China, the commanders of said ships and the superior local authorities of Government shall hold intercourse together in terms of equality and courtesy in token of the friendly relations of their respective nations. And the said ships of war shall enjoy all suitable facilities on the part of the Chinese Government in the purchase of provisions, procuring water and making repairs if occasion require.

Intercourse with ships of war.

ARTICLE XXXIII.

Citizens of the United States who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband articles of merchandise, shall be subject to be dealt with by the Chinese Government without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the Empire.

Clandestine trade.

ARTICLE XXXIV.

When the present convention shall have been definitively concluded, it shall be obligatory on both powers, and its provisions shall not be altered without grave cause; but inasmuch as the circumstances of the several ports of China open to foreign commerce are different, experience may show that inconsiderable modifications are requisite in those parts which relate to commerce and navigation; in

Duration of treaty.

which case the two Governments will, at the expiration of twelve years from the date of said convention, treat amicably concerning the same, by the means of suitable persons appointed to conduct such negotiation.

And when ratified this treaty shall be faithfully observed in all its parts by the United States and China and by every citizen and subject of each. And no individual State of the United States can appoint or send a minister to China to call in question the provisions of the same.

The present treaty of peace, amity, and commerce, shall be ratified and approved by the President of the United States, by and with the advice and consent of the Senate thereof, and by the August Sovereign of the Ta Tsing Empire, and the ratifications shall be exchanged within eighteen months from the date of the signature thereof, or sooner if possible.

Ratifications.

In faith whereof we, the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire as aforesaid, have signed and sealed these presents.

Done at Wang Hiya, this third day of July, in the year of our Lord Jesus Christ one thousand eight hundred and forty-four, and of Taoukwang the twenty-fourth year, fifth month and eighteenth day.

[SEAL.] C. CUSHING.

[SEAL.] TSIYENG, (*in Manchu language.*)

The tariff of duties to be levied on imported and exported merchandise at the five ports.

The duties which it is agreed shall be paid upon goods imported and exported by the United States, at the custom-houses of Canton, Amoy, Fuchow, Ningpo, and Shanghai, are as follows, the articles being arranged in classes, viz:

EXPORTS.

CLASS 1.—*Alum, oils, &c.*

	*T.	M.	C.
Alum, i. e., white alum, formerly white alum and bluestone, per 100 catties	0	1	0
Anise-seed oil, not formerly contained in the tariff, per 100 catties	5	0	0
Cassia oil, not formerly contained in the tariff, per 100 catties	5	0	0

CLASS 2.—*Teas, spices, &c.*

Tea, formerly divided into fine and native black, and fine and native green teas, per 100 catties	2	5	0
Anise-seed, star, per 100 catties	0	5	0
Musk, each catty	0	5	0

CLASS 3.—*Drugs.*

Capoor cutchery, per 100 catties	0	3	0
Camphor, per 100 catties	1	5	0
Arsenic, under different Chinese names, per 100 catties	0	7	5
Cassia, per 100 catties	0	7	5
Cassia buds, not formerly contained in the tariff, per 100 catties	1	0	0
China root, per 100 catties	0	2	0
Cubebs, not formerly in tariff, per 100 catties	1	5	0
Galingal, per 100 catties	0	1	0
Hartall, per 100 catties	0	5	0
Rhubarb, per 100 catties	1	0	0
Turmeric, per 100 catties	0	2	0

* Taels, mace and candareens.

CLASS 4.—*Sundries.*

	*T.	M.	C.
Bangles, not formerly in the tariff, per 100 catties	0	5	0
Bamboo screens and bomboo ware, per 100 catties	0	2	0
Corals, native or false corals, not formerly in the tariff, per 100 catties	0	5	0
Crackers, and fire-works formerly classed as rockets, per 100 catties	0	7	5
Fans, (feather fans, &c.,) not formerly in the tariff, per 100 catties	1	0	0
Glass, glass ware of all kinds, formerly classed as native crystal ware, per 100 catties	0	5	0
Glass beads, or false pearls, per 100 catties	0	5	0
Kittisols, or paper umbrellas, per 100 catties	0	5	0
Marble, marble slabs, not formerly in the tariff, per 100 catties	0	2	0
Rice-paper pictures, per 100 catties	0	1	0
Paper fans, per 100 catties	0	5	0
Pearls, (false,) not formerly in the tariff, per 100 catties	0	5	0

CLASS 5.—*Painters' stores, &c.*

Brass leaf, per 100 catties	1	5	0
Gamboge, per 100 catties	2	0	0
Red lead, per 100 catties	0	5	0
Glue, as fish glue, cowhide glue, &c., per 100 catties	0	5	0
Paper, stationery, per 100 catties	0	5	0
Tin foil, per 100 catties	0	5	0
Vermilion, per 100 catties	3	0	0
Paintings, (large paintings,) formerly divided into large and small paintings, each	0	1	0
White lead, per 100 catties	0	2	5

CLASS 6.—*Wares of various kinds.*

Bone and horn ware, per 100 catties	1	0	0
China ware, fine and coarse, formerly classed as fine, native, coarse and middling, per 100 catties	0	5	0
Copper ware and pewter ware, per 100 catties	0	5	0
Manufactures of wood, furniture, &c., per 100 catties	0	2	0
Ivory ware, all carved ivory work included, formerly divided into ivory and ivory carvings, per 100 catties	5	0	0
Lacquered ware, per 100 catties	1	0	0
Mother-of-pearl ware, per 100 catties	1	0	0
Rattan ware, rattan and bamboo work, per 100 catties	0	2	0
Sandal-wood ware, per 100 catties	1	0	0
Gold and silver ware, formerly divided into gold ware and silver ware, per 100 catties	10	0	0
Tortoise-shell ware, per 100 catties	10	0	0
Leather trunks and boxes, per 100 catties	0	2	0

CLASS 7.—*Canes, &c.*

Canes or walking sticks of all kinds, per 1,000 pieces	0	5	0

CLASS 8.—*Articles of clothing.*

Wearing apparel, whether of cotton, woollen or silk, formerly divided into cotton clothing, woolen clothing, silk and satin clothing, and velvet, per 100 catties	0	5	0
Boots and shoes, whether of leather, satin or otherwise, per 100 catties	0	2	0

CLASS 9.—*Fabrics of hemp, cotton, &c.*

Grass-cloth, and all cloths of hemp or linen, per 100 catties	1	0	0
Nankeen, and all cloths of cotton, formerly not in the tariff, per 100 catties	1	0	0

CLASS 10.—*Silk, fabrics of silk, &c.*

Raw silk of any province, per 100 catties	10	0	0
Coarse or refuse silk, per 100 catties	2	0	0
Organzine of all kinds, per 100 catties	10	0	0

* Taels, mace and candareens.

	*T.	M.	C.
Silk ribbon and thread, per 100 catties	10	0	0
Silk and satin fabrics of all kinds, as crape, lutestring, &c., &c., formerly classed as silks and satins, per 100 catties	12	0	0
Silk and cotton mixed fabrics, per 100 catties	3	0	0

Heretofore a further charge per piece has been levied; the whole duty is now to be paid in one sum, and the further charge is abolished.

CLASS 11.—*Carpeting, matting, &c.*

Mats of all kinds, as of straw, rattan, bamboo &c., per 100 catties	0	2	0

CLASS 12.—*Preserves, &c.*

Preserved ginger and fruits of all kinds, per 100 catties	0	5	0
Soy, per 100 catties	0	4	0
Sugar, white and brown, per 100 catties	0	2	5
Sugar candy, all kinds, per 100 catties	0	3	5
Tobacco, prepared and unprepared, &c., of all kinds, per 100 catties	0	2	0

CLASS 13.—*Unenumerated articles.*

All articles which it has not been practicable to enumerate herein specifically are to be charged a duty of five per cent. ad valorem.

CLASS 14.

Gold and silver coin, and gold and silver, duty free.

CLASS 15.

Bricks, tiles and building materials, duty free.

IMPORTS.

CLASS 1.—*Wax, saltpetre, &c.*

Wax, foreign, as beeswax, also called tile wax, per 100 catties	1	0	0
Oil-of-rose mallows, per 100 catties	1	0	0
Saltpetre, foreign, per 100 catties	0	3	0

This article is only allowed to be sold to the Government merchants; formerly this regulation did not exist.

Soaps, foreign, as perfumed soap, per 100 catties	0	5	0

CLASS 2.—*Spices and perfumes.*

Gum benzoin and oil of benzoin, per 100 catties	1	0	0
Sandal wood, per 100 catties	0	5	0
Pepper, black, per 100 catties	0	4	0

All other articles of this class not specifically mentioned herein, to pay a duty of ten per cent. ad valorem.

Perfumery, five per cent. ad valorem.

CLASS 3.—*Drugs.*

Asafœtida, per 100 catties	1	0	0
Camphor, superior quality, i. e., pure, formerly classed as good and inferior, per catty	1	0	0
Camphor, inferior quality or refuse, formerly uncleaned camphor, per catty	0	5	0
Cloves, superior quality, picked, per 100 catties	1	5	0
Cloves, inferior quality, (mother cloves,) per 100 catties	0	5	0
Cow bezoar, per catty	1	0	0
Cutch, per 100 catties	0	3	0
Gambier, per 100 catties	0	1	5
Areca nut, per 100 catties	0	1	5
Ginseng, foreign, superior quality, &c., per 100 catties	38	0	0
Ginseng, inferior quality, &c., per 100 catties	3	5	0

Of every hundred catties of foreign ginseng of whatever sort, one-fifth part is to be considered as of superior quality, and four-fifths of inferior.

* Taels, mace and candareens.

	*T.	M.	C.
Gum olibanum, per 100 catties	0	5	0
Myrrh, per 100 catties	0	5	0
Mace, or flower of nutmeg, per 100 catties	1	0	0
Quicksilver, per 100 catties	3	0	0
Nutmegs, first quality, per 100 catties	2	0	0
Nutmegs, second quality, or coarse, per 100 catties	1	0	0
Putchuk, per 100 catties	0	7	5
Rhinoceros horns, per 100 catties	3	0	0

CLASS 4.—*Sundries.*

Flints, per 100 catties	0	0	5
Mother of pearl shells, per 100 catties	0	2	0

CLASS 5.—*Dried meats, &c.*

Birds' nests, first quality mandarin, per 100 catties	5	0	0
Birds' nests, second quality ordinary, per 100 catties	2	5	0
Birds' nests, third quality with feathers, per 100 catties	0	5	0
Bicho de mar, first quality black, per 100 catties	0	8	0
Bicho de mar, second quality, white, per 100 catties	0	2	0
Sharks' fins, first quality, white, per 100 catties	1	0	0
Sharks' fins, second quality, black, per 100 catties	0	5	0
Stock fish, called dried fish, per 100 catties	0	4	0
Fish-maws, not formerly in tariff, per 100 catties	1	5	0

CLASS 6.—*Painters' stores.*

Cochineal, per 100 catties	5	0	0
Smalts, per 100 catties	4	0	0
Sapan wood, per 100 catties	0	1	0

CLASS 7.—*Woods, canes, &c.*

Rattans, per 100 catties	0	2	0
Ebony, per 100 catties	0	1	5

All other imported wood, as red wood, satin wood, yellow wood, not specifically enumerated, to pay a duty of ten per cent. ad valorem.

CLASS 8.—*Clocks, watches, &c.*

Clocks.
Watches.
Telescopes.
Glass panes, and crystal ware of all kinds.
Writing-desks.
Dressing-cases.
Jewelry of gold and silver.
Cutlery, swords, &c.
All the foregoing and any other miscellaneous articles of the same description, 5 per cent. ad valorem.

CLASS 9.

Gold and silver bullion, duty free.

CLASS 10.

Cotton, fabrics of cotton and canvas, from 75 to 100 chih long, and 1 chih 7 tsun to 2 chih 2 tsun wide, per piece	0	5	0
Cotton, allowing 5 per cent. for tare, per 100 catties	0	4	0
Long white cloths, 75 to 100 chih long, 2 chih 2 tsun to 2 chih 6 tsun wide, formerly divided into superior and inferior fine cotton cloth, per piece	0	1	5
Cambrics and muslins, from 50 to 60 chih long, and 2 chih 9 tsun to 3 chih 3 tsun wide, per piece	0	1	5
Cottons, grey or unbleached domestic, &c., from 75 to 100 chih long, and 2 chih to 2 chih 9 tsun wide, formerly classed as coarse long cloths, per piece	0	1	0
Twilled cottons, grey, same dimensions, per piece	0	1	0

* Taels, mace and candareens.

	*T.	M.	C.
Chintz and prints of all kinds, from 60 to 75 chih long, and from 2 chih 9 tsun to 3 chih 3 tsun wide, formerly called ornamented or flowered cloths, per piece	0	2	0
Cotton yarn, or cotton thread, per 100 catties	1	0	0
Linen, fine, not formerly in the tariff, from 50 to 75 chih long, and 1 chih 9 tsun to 2 chih 2 tsun wide, per piece	0	5	0
Bunting, per chang	0	0	1½
All other imported articles of this class, as ginghams, pulicats, dyed cottons, velveteens, silk and cotton mixtures, and mixtures of linen and cotton, &c., &c., 5 per cent. ad valorem.			

CLASS 11.—*Fabrics of silk, woollen, &c.*

Handkerchiefs, large, above 2 chih 6 tsun, each	0	0	1½
Handkerchiefs, small, under 2 chih 6 tsun, each	0	0	1
Gold and silver thread, superior or real, per catty	0	1	3
Gold and silver thread, inferior, or imitation, per catty	0	0	3
Broadcloth, Spanish stripe, &c., from 3 chih 6 tsun to 4 chih 6 tsun wide, per chang	0	1	5
Narrow cloths, as long ells, cassimeres, &c., formerly classed as narrow woollens, per chang	0	0	7
Camlets, (Dutch,) per chang	0	1	5
Camlets, per chang	0	0	7
Imitation camlets, or bombazettes, per chang	0	0	3½
Woollen yarn, per 100 catties	3	0	0
Blankets, each	0	1	0
All other fabrics of wool, or of mixed wool and cotton, wool and silk, &c., 5 per cent. ad valorem.			

CLASS 12.—*Wines, &c.*

Wine and beer, in quart bottles, per 100	1	0	0
Wine and beer, in pint bottles, per 100	0	5	0
Wine and beer, in cask, per 100 catties	0	5	0

CLASS 13.—*Metals.*

Copper, foreign, in pigs, &c., per 100 catties	1	0	0
Copper, wrought, as sheets, rods, &c., per 100 catties	1	5	0
Iron, foreign, unmanufactured, as in pigs, per 100 catties	0	1	0
Iron, manufactured, as in bars, rods, &c., per 100 catties	0	1	5
Lead, foreign, in pigs, or manufactured, per 100 catties	0	2	8
Steel, foreign, of every kind, per 100 catties	0	4	0
Tin, foreign, per 100 catties	1	0	0
Tin plates, formerly not in the tariff, per 100 catties	0	4	0
Spelter is only permitted to be sold to government merchants.			
All unenumerated metals, as zinc, yellow copper, &c., 10 per cent. ad valorem.			

CLASS 14.—*Jewelry.*

Carnelians, per 100 stones	0	5	0
Carnelian beads, per 100 catties	10	0	0

CLASS 15.—*Skins, teeth, horns, &c.*

Bullocks' and buffalo horns, per 100 catties	2	0	0
Cow and ox hides, tanned and untanned, per 100 catties	0	5	0
Sea-otter skins, each	1	5	0
Fox-skins, large, each	0	1	5
Fox-skins, small, each	0	0	7½
Tiger, leopard and marten skins, each	0	1	5
Land-otter, raccoon and sharks' skins, per 100	2	0	0
Beaver skins, per 100	5	0	0
Hare, rabbit, and ermine skins, per 100	0	5	0
Sea-horse teeth, per 100 catties	2	0	0
Elephants' teeth, first quality, whole, per 100 catties	4	0	0
Elephants' teeth, second quality, broken, per 100 catties	2	0	0

*Taels, mace and candareens.

CLASS 16.—*Unenumerated.*

All new goods which it has not been practicable to enumerate herein, a duty of five per cent. ad valorem.

CLASS 17.

Rice and other grains, duty free.
Contraband.—Opium.
Shipping dues.—These have been hitherto charged on the measurement of the ship's length and breadth, at so much per *chang*, but it is now agreed to alter the system and charge according to the registered statement of the number of tons of the ship's burden. On each ton (reckoned equal to the cubic contents of 122 tows) a shipping charge of five mace is to be levied; and all the old charges of measurement, entrance and port-clearance fees, daily and monthly fees, &c., are abolished.

[SEAL.] CUSHING.
[SEAL.] TSIYENG.

1858.

TREATY OF PEACE, AMITY AND COMMERCE.

Concluded June 18, 1858; *Ratifications exchanged at Pehtang August* 16, 1859; *Proclaimed January* 26, 1860.

The United States of America and the Ta Tsing Empire, desiring to maintain firm, lasting and sincere friendship, have resolved to renew, in a manner clear and positive, by means of a treaty or general convention of peace, amity and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries; for which most desirable object the President of the United States and the August Sovereign of the Ta Tsing Empire have named for their Plenipotentiaries, to wit:

The President of the United States of America, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary to China; and His Majesty the Emperor of China, Kweiliang, a member of the Privy Council and Superintendent of the Board of Punishments; and Hwashana, President of the Board of Civil Office, and Major General of the Bordered Blue Banner Division of the Chinese Bannermen, both of them being Imperial Commissioners and Plenipotentiaries; Negotiators.

And the said Ministers, in virtue of the respective full powers they have received from their Governments, have agreed upon the following articles:

ARTICLE I.

There shall be, as there have always been, peace and friendship between the United States of America and the Ta Tsing Empire, and between their people, respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings. Declaration of amity.

ARTICLE II.

In order to perpetuate friendship, on the exchange of ratifications by the President, with the advice and consent of the Senate of the United

States, and by His Majesty the Emperor of China, this treaty shall be kept and sacredly guarded in this way, viz: The original treaty, as ratified by the President of the United States, shall be deposited at Pekin, the capital of His Majesty the Emperor of China, in charge of the Privy Council; and, as ratified by His Majesty the Emperor of China, shall be deposited at Washington, the capital of the United States, in charge of the Secretary of State.

ARTICLE III.

Promulgation of treaty.

In order that the people of the two countries may know and obey the provisions of this treaty, the United States of America agree, immediately on the exchange of ratifications, to proclaim the same, and to publish it by proclamation in the gazettes where the laws of the United States of America are published by authority; and His Majesty the Emperor of China, on the exchange of ratifications, agrees immediately to direct the publication of the same at the capital and by the governors of all the provinces.

ARTICLE IV.

Privileges accorded to United States Ministers in China.

In order further to perpetuate friendship, the Minister or Commissioner or the highest diplomatic representative of the United States of America in China, shall at all times have the right to correspond on terms of perfect equality and confidence with the officers of the Privy Council at the capital, or with the Governors-General of the Two Kwangs, the provinces of Fuhkien and Chehkiang or of the Two Kiangs; and whenever he desires to have such correspondence with the Privy Council at the capital he shall have the right to send it through either of the said Governors-General or by the general post; and all such communications shall be sent under seal, which shall be most carefully respected. The Privy Council and Governors-General, as the case may be, shall in all cases consider and acknowledge such communications promptly and respectfully.

ARTICLE V.

Formalities to be observed by Ministers of the United States.

Residence and suite of United States Ministers.

The Minister of the United States of America in China, whenever he has business, shall have the right to visit and sojourn at the capital of His Majesty the Emperor of China, and there confer with a member of the Privy Council, or any other high officer of equal rank deputed for that purpose, on matters of common interest and advantage. His visits shall not exceed one in each year, and he shall complete his business without unnecessary delay. He shall be allowed to go by land or come to the mouth of the Peiho, into which he shall not bring ships of war, and he shall inform the authorities at that place in order that boats may be provided for him to go on his journey. He is not to take advantage of this stipulation to request visits to the capital on trivial occasions. Whenever he means to proceed to the capital, he shall communicate, in writing, his intention to the Board of Rites at the capital, and thereupon the said Board shall give the necessary directions to facilitate his journey and give him necessary protection and respect on his way. On his arrival at the capital he shall be furnished with a suitable residence prepared for him, and he shall defray his own expenses; and his entire suite shall not exceed twenty persons, exclusive of his Chinese attendants, none of whom shall be engaged in trade.

ARTICLE VI.

If at any time His Majesty the Emperor of China shall, by treaty voluntarily made, or for any other reason, permit the representative of any friendly nation to reside at his capital for a long or short time, then, without any further consultation or express permission, the representative of the United States in China shall have the same privilege. Most favored nation.

ARTICLE VII.

The superior authorities of the United States and of China, in corresponding together, shall do so on terms of equality and in form of mutual communication, *(chau-hwui)*. The Consuls and the local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communication, *(chau-hwui)*. When inferior officers of the one Government address superior officers of the other, they shall do so in the style and form of memorial, *(chin-chin)*. Private individuals, in addressing superior officers, shall employ the style of petition, *(pin-ching)*. In no case shall any terms or style be used or suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States. Communications between officers of both nations. Presents not to be demanded.

ARTICLE VIII.

In all future personal intercourse between the representative of the United States of America and the Governors-General or Governors, the interviews shall be had at the official residence of the said officers, or at their temporary residence, or at the residence of the representative of the United States of America, whichever may be agreed upon between them; nor shall they make any pretext for declining these interviews. Current matters shall be discussed by correspondence, so as not to give the trouble of a personal meeting. Personal intercourse between representatives of the United States and Chinese officials.

ARTICLE IX.

Whenever national vessels of the United States of America, in cruising along the coast and among the ports opened for trade for the protection of the commerce of their country or for the advancement of science, shall arrive at or near any of the ports of China, commanders of said ships and the superior local authorities of Government shall, if it be necessary, hold intercourse on terms of equality and courtesy, in token of the friendly relations of their respective nations; and the said vessels shall enjoy all suitable facilities on the part of the Chinese Government in procuring provisions or other supplies and making necessary repairs. And the United States of America agree that in case of the shipwreck of any American vessel, and its being pillaged by pirates, or in case any American vessel shall be pillaged or captured by pirates on the seas adjacent to the coast, without being shipwrecked, the national vessels of the United States shall pursue the said pirates, and if captured deliver them over for trial and punishment. Privileges of United States vessels in Chinese waters. Shipwrecks and Piracy.

ARTICLE X.

Privileges of United States Consuls in China.

The United States of America shall have the right to appoint Consuls and other Commercial Agents for the protection of trade, to reside at such places in the dominions of China as shall be agreed to be opened; who shall hold official intercourse and correspondence with the local officers of the Chinese Government, (a Consul or a Vice-Consul in charge taking rank with an Intendant of circuit or a Prefect,) either personally or in writing, as occasions may require, on terms of equality and reciprocal respect. And the Consuls and local officers shall employ the style of mutual communication. If the officers of either nation are disrespectfully treated or aggrieved in any way by the other authorities, they have the right to make representation of the same to the superior officers of the respective Governments, who shall see that full inquiry and strict justice shall be had in the premises. And the said Consuls and Agents shall carefully avoid all acts of offence to the officers and people of China. On the arrival of a Consul duly accredited at any port in China, it shall be the duty of the Minister of the United States to notify the same to the Governor-General of the province where such port is, who shall forthwith recognize the said Consul and grant him authority to act.

ARTICLE XI.

Privileges of United States citizens in China.

All citizens of the United States of America in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with the subjects of China, shall receive and enjoy for themselves and everything appertaining to them, the protection of the local authorities of Government, who shall defend them from all insult or injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, shall immediately despatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law.

Ex-territoriality granted the United States in trial of their citizens accused of criminal acts.

Subjects of China guilty of any criminal act toward citizens of the United States shall be punished by the Chinese authorities according to the laws of China; and citizens of the United States, either on shore or in any merchant vessel, who may insult, trouble or wound the persons or injure the property of Chinese, or commit any other improper act in China, shall be punished only by the Consul or other public functionary thereto authorized, according to the laws of the United States. Arrests in order to trial may be made by either the Chinese or the United States authorities.

ARTICLE XII.

Privileges of citizens of United States residing at open ports.

Citizens of the United States, residing or sojourning at any of the ports open to foreign commerce, shall be permitted to rent houses and places of business, or hire sites on which they can themselves build houses or hospitals, churches and cemeteries. The parties interested can fix the rent by mutual and equitable agreement; the proprietors shall not demand an exorbitant price, nor shall the local authorities interfere, unless there be some objections offered on the part of the inhabitants respecting the place. The legal fees to the officers for applying their seal shall be paid. The citizens of the United States

shall not unreasonably insist on particular spots, but each party shall conduct with justice and moderation. Any desecration of the cemeteries by natives of China shall be severely punished according to law. At the places where the ships of the United States anchor, or their citizens reside, the merchants, seamen or others, can freely pass and repass in the immediate neighborhood; but, in order to the preservation of the public peace, they shall not go into the country to the villages and marts to sell their goods unlawfully, in fraud of the revenue.

ARTICLE XIII.

If any vessel of the United States be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of Government, on receiving information of the fact, shall immediately adopt measures for its relief and security; the persons on board shall receive friendly treatment, and be enabled to repair at once to the nearest port, and shall enjoy all facilities for obtaining supplies of provisions and water. If the merchant vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, shall arrest the said robbers or pirates, and punish them according to law, and shall cause all the property which can be recovered to be restored to the owners or placed in the hands of the consul. If, by reason of the extent of territory and numerous population of China, it shall in any case happen that the robbers cannot be apprehended, and the property only in part recovered, the Chinese Government shall not make indemnity for the goods lost; but if it shall be proved that the local authorities have been in collusion with the robbers, the same shall be communicated to the superior authorities for memorializing the throne, and these officers shall be severely punished, and their property be confiscated to repay the losses.

Shipwrecks.

Piracy.

ARTICLE XIV.

The citizens of the United States are permitted to frequent the ports and cities of Canton and Chau-chau or Swatau, in the province of Kwang-tung, Amoy, Fuh-chau, and Tai-wan, in Formosa, in the province of Fuh-kien, Ningpo, in the province of Chehkiang, and Shanghai, in the province of Kiang-su, and any other port or place hereafter by treaty with other powers or with the United States opened to commerce, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise from any of these ports to any other of them. But said vessels shall not carry on a clandestine and fraudulent trade at other ports of China not declared to be legal, or along the coasts thereof; and any vessel under the American flag violating this provision, shall, with her cargo, be subject to confiscation to the Chinese Government; and any citizen of the United States who shall trade in any contraband article of merchandise shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the empire.

Designation of open ports.

Clandestine trade.

ARTICLE XV.

Commerce at open ports.

At each of the ports open to commerce citizens of the United States shall be permitted to import from abroad, and sell, purchase and export all merchandise of which the importation or exportation is not prohibited by the laws of the empire. The tariff of duties to be paid by citizens of the United States, on the export and import of goods from and into China, shall be the same as was agreed upon at the treaty of Wanghia, except so far as it may be modified by treaties with other nations; it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favored nation.

Tariff of duties.

ARTICLE XVI.

Tonnage duties.

Tonnage duties shall be paid on every merchant vessel belonging to the United States entering either of the open ports, at the rate of four mace per ton of forty cubic feet, if she be over one hundred and fifty tons burden, and one mace per ton of forty cubic feet, if she be of the burden of one hundred and fifty tons or under, according to the tonnage specified in the register, which, with her other papers, shall, on her arrival, be lodged with the Consul, who shall report the same to the commissioner of customs. And if any vessel, having paid tonnage duty at one port, shall go to any other port to complete the disposal of her cargo, or, being in ballast, to purchase an entire or fill up an incomplete cargo, the Consul shall report the same to the commissioner of customs, who shall note on the port clearance that the tonnage duties have been paid, and report the circumstances to the collectors at the other custom-houses; in which case, the said vessel shall only pay duty on her cargo, and not be charged with tonnage duty a second time. The collectors of customs at the open ports shall consult with the Consuls about the erection of beacons or light-houses, and where buoys and light-ships should be placed.

Ships' papers.

Beacons and light-houses.

ARTICLE XVII.

Pilots, servants and teachers.

Citizens of the United States shall be allowed to engage pilots to take their vessels into port, and, when the lawful duties have all been paid, take them out of port. It shall be lawful for them to hire at pleasure servants, compradores, linguists, writers, laborers, seamen and persons for whatever necessary service, with passage or cargo boats, for a reasonable compensation, to be agreed upon by the parties or determined by the consul.

ARTICLE XVIII.

Customs-officers to be stationed on vessels of the United States.

Whenever merchant vessels of the United States shall enter a port, the collector of customs shall, if he see fit, appoint custom-house officers to guard said vessels, who may live on board the ship or their own boats, at their convenience. The local authorities of the Chinese Government shall cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China on being informed by the Consul, and will deliver them up to the Consuls or other officer for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered

Mutineers and deserters.

Asylum not to be granted to Chinese criminals.

up to justice on due requisition by the Chinese local officers, addressed to those of the United States. The merchants, seamen and other citizens of the United States shall be under the superintendence of the appropriate officers of their Government. If individuals of either nation commit acts of violence or disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two Governments will exert themselves to enforce order and to maintain the public peace, by doing impartial justice in the premises.

ARTICLE XIX.

Whenever a merchant vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee, shall, within forty-eight hours, deposit the ship's papers in the hands of the Consul or person charged with his functions, who shall cause to be communicated to the superintendent of customs a true report of the name and tonnage of such vessel, the number of her crew, and the nature of her cargo; which being done, he shall give a permit for her discharge. And the master, supercargo or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars, and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if a master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports. Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he shall not be subject to pay tonnage or other duties or charges until, on his arrival at another port, he shall proceed to discharge cargo, when he shall pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held due after the expiration of the said forty-eight hours. In case of the absence of the Consul or person charged with his functions, the captain or supercargo of the vessel may have recourse to the Consul of a friendly power, or, if he please, directly to the Superintendent of Customs, who shall do all that is required to conduct the ship's business.

Papers of merchant vessels.

Permits for discharge of cargoes.

Tonnage duties.

ARTICLE XX.

The Superintendent of Customs, in order to the collection of the proper duties, shall, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo or consignee, to make a just and fair examination of all goods in the act of being discharged for importation or laden for exportation on board any merchant vessel of the United States. And if disputes occur in regard to the value of goods subject to ad valorem duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterwards, be referred to the said Consul to adjust with the Superintendent of Customs.

Customs examinations.

ARTICLE XXI.

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same in part or in whole to any other of the said ports, shall be entitled to make application, through their Consul, to the Superintendent of Customs, who, in order to

Citizens of United States permitted to re-export articles imported by them.

prevent fraud on the revenue, shall cause examination to be made, by suitable officers, to see that the duties paid on such goods as are entered on the custom-house books correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance of the goods and the amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of customs of the other ports; all which being done on the arrival in port of the vessel in which the goods are laden, and everything being found, on examination there, to correspond, she shall be permitted to break bulk and land the said goods without being subject to the payment of any additional duty thereon. But if, on such examination, the superintendent of customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government. Foreign grain or rice brought into any port of China in a ship of the United States, and not landed, may be re-exported without hindrance.

Frauds to evade customs duties.

ARTICLE XXII.

The tonnage duty on vessels of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the collector of customs shall give a port clearance, and the consul shall return the ship's papers. The duties shall be paid to the Shroffs authorized by the Chinese Government to receive the same. Duties shall be paid and received, either in sycee silver or in foreign money, at the rate of the day. If the Consul permits a ship to leave the port before the duties and tonnage dues are paid he shall be held responsible therefor.

Payment of tonnage and customs duties.

ARTICLE XXIII.

When goods on board any merchant vessel of the United States in port require to be transshipped to another vessel, application shall be made to the Consul, who shall certify what is the occasion therefor to the Superintendent of Customs, who may appoint officers to examine into the facts and permit the transshipment. And if any goods be transshipped without written permits they shall be subject to be forfeited to the Chinese Government.

Transshipment of goods.

ARTICLE XXIV.

Where there are debts due by subjects of China to citizens of the United States, the latter may seek redress in law; and, on suitable representations being made to the local authorities, through the Consul, they will cause due examination in the premises, and take proper steps to compel satisfaction. And if citizens of the United States be indebted to subjects of China, the latter may seek redress by representation through the Consul, or by suit in the consular court; but neither Government will hold itself responsible for such debts.

Collection of debts.

ARTICLE XXV.

It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China, without distinction of persons, to teach any of the languages of the empire, and to assist in literary labors; and the persons so employed

Liberty to employ Chinese teachers.

shall not for that cause be subject to any injury on the part either of the Government or of individuals; and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

ARTICLE XXVI.

Treatment of United States vessels in time of war between China and another power.

Relations of peace and amity between the United States and China being established by this treaty, and the vessels of the United States being admitted to trade freely to and from the ports of China open to foreign commerce, it is further agreed that, in case at any time hereafter China should be at war with any foreign nation whatever, and should for that cause exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent powers, full respect being paid to the neutrality of the flag of the United States, provided that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service, nor shall said flag be fraudulently used to enable the enemy's ships, with their cargoes, to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

Privileges only to be enjoyed by preserving strict neutrality.

ARTICLE XXVII.

Jurisdiction in questions of rights of property and persons.

All questions in regard to rights, whether of property or person, arising between citizens of the United States in China shall be subject to the jurisdiction and regulated by the authorities of their own Government; and all controversies occurring in China between citizens of the United States and the subjects of any other Government shall be regulated by the treaties existing between the United States and such Governments, respectively, without interference on the part of China.

ARTICLE XXVIII.

Communications between citizens of the United States and Chinese local officers.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their Consul or other officer, to determine if the language be proper and respectful, and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. If subjects of China have occasion to address the Consul of the United States, they may address him directly at the same time they inform their own officers, representing the case for his consideration and action in the premises; and if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction. The extortion of illegal fees is expressly prohibited. Any peaceable persons are allowed to enter the court in order to interpret, lest injustice be done.

ARTICLE XXIX.

Citizens of United States granted religious freedom in China.

The principles of the Christian religion, as professed by the Protestant and Roman Catholic churches, are recognized as teaching men to do good, and to do to others as they would have others do to them. Hereafter those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teach and practice the principles of Christianity, shall in no case be interfered with or molested.

ARTICLE XXX.

Most favored nation.

The contracting parties hereby agree that should at any time the Ta Tsing Empire grant to any nation, or the merchants or citizens of any nation, any right, privilege or favor, connected either with navigation, commerce, political or other intercourse, which is not conferred by this treaty, such right, privilege and favor shall at once freely inure to the benefit of the United States, its public officers, merchants and citizens.

Ratifications.

The present treaty of peace, amity and commerce shall be ratified by the President of the United States, by and with the advice and consent of the Senate, within one year, or sooner, if possible, and by the August Sovereign of the Ta Tsing Empire forthwith; and the ratifications shall be exchanged within one year from the date of the signatures thereof.

In faith whereof, we, the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, as aforesaid, have signed and sealed these presents.

Done at Tien-tsin this eighteenth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, and the independence of the United States of America the eighty-second, and in the eighth year of Hienfung, fifth month, and eighth day.

[SEAL.]	WILLIAM B. REED.
[SEAL.]	KWEILIANG.
[SEAL.]	HWASHANA.

NOTE TO ARTICLE XIX.—On the 17th July, 1867, it had been agreed between the Chinese Government and Mr. Burlingame, United States Minister at Pekin, that, subject to ratification by the Government of the United States, Article XIX should be modified as hereinafter stated. The proposed modification having been submitted to the Senate, that body, by its resolution of January 20, 1868, did "advise and consent to the modification of the treaty between the United States and China, concluded at Tientsin, on the eighteenth of June, 1858, so that the nineteenth article shall be understood to include hulks and storeships of every kind under the term merchant vessels; and so that it shall provide that if the supercargo, master or consignee shall neglect, within forty-eight hours after a vessel casts anchor in either of the ports named in the treaty, to deposit the ship's papers in the hands of the Consul, or person charged with his functions, who shall then comply with the requisitions of the nineteenth article of the treaty in question, he shall be liable to a fine of fifty taels for each day's delay. The total amount of penalty, however, shall not exceed two hundred taels."

NOTE TO ARTICLE XXI.—On the 7th April, 1863, it was agreed between Mr. Burlingame, United States Minister at Pekin, and the Government of China, that, subject to the ratification of the Government of the United States, the twenty-first article of the treaty of June 18, 1858, "shall be so modified as to permit duties to be paid, when goods are re-exported from any one of the free ports of China, at the port into which they are finally imported; and that drawbacks shall be substituted for exemption certificates at all the ports, which drawbacks shall be regarded as negotiable and transferable articles, and be accepted by the custom-house from whatsoever merchant who may tender them, either for import or export duty to be paid by him."

The Senate advised and consented to this modification by resolution of February 4 1864; and it was accepted, ratified, and confirmed by the President February 22, 1864.

1858.

CONVENTION FOR THE REGULATION OF TRADE.

Concluded November 8, 1858; *Ratifications exchanged at Pehtang August* 15, 1859.

Whereas a treaty of peace, amity and commerce between the Ta Tsing Empire and the United States of America was concluded at Tien-tsin, and signed at the Temple of Hai-Kwang on the eighteenth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, corresponding with the eighth day of the fifth moon of the eighth year of Hienfung; which said treaty was duly ratified by His Majesty the Emperor of China on the third day of July following, and which has been now transmitted for ratification by the President of the United States, with the advice and consent of the Senate; and whereas in the said treaty it was provided, among other things, that the tariff of duties to be paid by citizens of the United States on the export and import of goods from and into China shall be the same as was agreed upon at the treaty of Wang-hia, except so far as it may be modified by treaties with other nations, it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favored nations; and whereas since the signature of the said treaty material modifications of the said tariff and other matters of detail connected with and having relation to the said treaty have been made under mutual discussions by commissioners appointed to that end by the Plenipotentiaries of China, Great Britain and France, to which the assent of the United States of America is desired and now freely given, it has been determined to record such assent and agreement in the form of a supplementary treaty, to be as binding and of the same efficacy as though they had been inserted in the original treaty.

Most favored nation.

ARTICLE I.

The tariff and regulations of trade and transit hereunto attached, bearing the seals of the respective Plenipotentiaries of the United States and the Ta Tsing Empire, shall henceforward and until duly altered under the provisions of treaties be in force at the ports and places open to commerce.

Tariff.

In faith whereof the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, to wit, on the part of the United States, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary; and on the part of the Ta Tsing Empire Kweiliang, a member of the Privy Council, Captain General of the Plain White Banner Division of the Manchu Bannermen, and Superintendent of the Board of Punishments; and Hwashana, Classical Reader at Banquets, President of the Board of Civil Office, Captain General of the Bordered Blue Banner Division of the Chinese Bannermen, both of them Plenipotentiaries; with Ho Kwei-tsing, Governor General of the two Kiang provinces, President of the Board of War, and Guardian of the Heir-Apparent; Mingshen, President of the Ordnance Office of the Imperial Household, with the Insignia of the Second Grade; and Twan, a titular President of the Fifth Grade, member of the Establishment of the General Council, and one of the junior under secretaries of the Board of Punishments, all of them special Imperial Commissioners deputed for the purpose, have signed and sealed these present.

Done at Shanghai this eighth day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and the Independence of the United States of America the eighty-third, and in the eighth year of Hienfung, the tenth month and third day.

[SEAL.] WILLIAM B. REED.

[SEAL.] KWEILIANG.
HWASHANA.
HO KWEI-TSING.
MINGSHEN.
TWAN.

TARIFF ON IMPORTS.

	T.	M.	C.	C.
Agar-agar, per 100 catties	0	1	5	0
Asafœtida, per 100 catties	0	6	5	0
Beeswax, yellow, per 100 catties	1	0	0	0
Betel-nut, per 100 catties	0	1	5	0
Betel-nut, husk, per 100 catties	0	0	7	5
Bicho de Mar, black, per 100 catties	1	5	0	0
Bicho de Mar, white, per 100 catties	0	3	5	0
Birds-nests, 1st quality, per catty	0	5	5	0
Birds-nests, 2nd quality, per catty	0	4	5	0
Birds-nests, 3rd quality, or uncleaned, per catty	0	1	5	0
Buttons, brass, per gross	0	0	5	5
Camphor, baroos, clean, per catty	1	3	0	0
Camphor, baroos, refuse, per catty	0	7	2	0
Canvas and cotton-duck, not exceeding 50 yards long, per piece	0	4	0	0
Cardamoms, superior, per 100 catties	1	0	0	0
Cardamoms, inferior, or grains-of-paradise, per 100 catties	0	5	0	0
Cinnamon, per 100 catties	1	5	0	0
Clocks, five per cent. ad valorem.				
Cloves, per 100 catties	0	5	0	0
Cloves, mother, per 100 catties	0	1	8	0
Coal, foreign, per ton	0	0	5	0
Cochineal, per 100 catties	5	0	0	0
Coral, per catty	0	1	0	0
Cordage, Manila, per 100 catties	0	3	5	0
Carnelians, per 100 stones	0	3	0	0
Carnelians, beads, per 100 catties	7	0	0	0
Cotton, raw, per 100 catties	0	3	5	0
Cotton piece goods, gray, white, plain and twilled, exceeding 34 inches wide, and not exceeding 40 yards long, per piece	0	0	8	0
Cotton piece goods, exceeding 34 inches wide, and exceeding 40 yards long, per every 10 yards	0	0	2	0
Cotton piece goods, drills and jeans, not exceeding 30 inches wide, and not exceeding 40 yards long, per piece	0	1	0	0
Cotton piece goods, drills and jeans, not exceeding 30 inches wide, and not exceeding 30 yards long, per piece	0	0	7	5
Cotton piece goods, T cloths, not exceeding 34 inches wide, and not exceeding 48 yards long, per piece	0	0	8	0
Cotton piece goods, T cloths, not exceeding 34 inches wide, and not exceeding 24 yards long, per piece	0	0	4	0
Cotton, dyed, figured and plain, not exceeding 36 inches wide, and not exceeding 40 yards long, per piece	0	1	5	0
Cotton, fancy, white brocade and white spotted shirtings, not exceeding 36 inches wide, and not exceeding 40 yards long, per piece	0	1	0	0
Cotton, printed chintzes and furnitures, not exceeding 31 inches wide, and not exceeding 30 yards long, per piece	0	0	7	0
Cotton-cambrics, not exceeding 46 inches wide, and not exceeding 24 yards long, per piece	0	0	7	0
Cotton-cambrics, not exceeding 46 inches wide, and not exceeding 12 yards long, per piece	0	0	3	5
Cotton-muslins, not exceeding 46 inches wide, and not exceeding 24 yards long, per piece	0	0	7	5

	T.	M.	C.	C.
Cotton-muslins, not exceeding 46 inches wide, and not exceeding 12 yards long, per piece	0	0	3	5
Cotton-damasks, not exceeding 36 inches wide, and not exceeding 40 yards long, per piece	0	2	0	0
Cotton-dimities, or quiltings, not exceeding 40 inches wide, and not exceeding 12 yards long, per piece	0	0	6	5
Cotton-ginghams, not exceeding 28 inches wide, and not exceeding 30 yards long, per piece	0	0	3	5
Cotton-handkerchiefs, not exceeding one yard square, per dozen	0	0	2	5
Cotton-fustians, not exceeding 35 yards long, per piece	0	2	0	0
Cotton-velveteens, not exceeding 34 yards long, per piece	0	1	5	0
Cotton-thread, per 100 catties	0	7	2	0
Cotton-yarn, per 100 catties	0	7	0	0
Cow-bezoar, Indian, per catty	1	5	0	0
Cutch, per 100 catties	0	1	8	0
Elephants' teeth, whole, per 100 catties	4	0	0	0
Elephants' teeth, broken, per 100 catties	3	0	0	0
Feathers, kingfisher's, peacock's, per 100	0	4	0	0
Fish-maws, per 100 catties	1	0	0	0
Fish-skin, per 100 catties	0	2	0	0
Flints, per 100 catties	0	0	3	0
Gambier, per 100 catties	0	1	5	0
Gamboge, per 100 catties	1	0	0	0
Ginseng, American crude, per 100 catties	6	0	0	0
Ginseng, American clarified, per 100 catties	8	0	0	0
Glass, window, per box of 100 square feet	0	1	5	0
Glue, per 100 catties	0	1	5	0
Gold-thread, real, per catty	1	6	0	0
Gold-thread, imitation, per catty	0	0	3	0
Gum-benjamin, per 100 catties	0	6	0	0
Gum-benjamin, oil of, per 100 catties	0	6	0	0
Gum, dragon's blood, per 100 catties	0	4	5	0
Gum, myrrh, per 100 catties	0	4	5	0
Gum, olibanum, per 100 catties	0	4	5	0
Hides, buffalo and cow, per 100 catties	0	5	0	0
Hides, rhinoceros, per 100 catties	0	4	2	0
Horns, buffalo, per 100 catties	0	2	5	0
Horns, deer, per 100 catties	0	2	5	0
Horns, rhinoceros, per 100 catties	2	0	0	0
Indigo, liquid, per 100 catties	0	1	8	0
Isinglass, per 100 catties	0	6	5	0
Lacquered-ware, per 100 catties	1	0	0	0
Leather, per 100 catties	0	4	2	0
Linen, fine, as Irish or Scotch, not exceeding 50 yards long, per piece	0	5	0	0
Linen, coarse, as linen and cotton, or silk and linen mixture, not exceeding 50 yards long, per piece	0	2	0	0
Lucraban seed, per 100 catties	0	0	3	5
Mace, per 100 catties	1	0	0	0
Mangrove bark, per 100 catties	0	0	3	0
Metals, copper, manufactured, as in sheets, rods, nails, per 100 catties	1	5	0	0
Metals, copper, unmanufactured, as in slabs, per 100 catties	1	0	0	0
Metals, copper, yellow-metal sheathing and nails, per 100 catties	0	9	0	0
Metals, copper, Japan, per 100 catties	0	6	0	0
Metals, iron, manufactured, as in sheets, rods, bars, hoops, per 100 catties	0	1	2	5
Metals, iron, unmanufactured, as in pigs, per 100 catties	0	0	7	5
Metals, iron, kentledge, per 100 catties	0	0	1	0
Metals, iron, wire, per 100 catties	0	2	5	0
Metals, lead, in pigs, per 100 catties	0	2	5	0
Metals, lead, in sheets, per 100 catties	0	5	5	0
Metals, quicksilver	2	0	0	0
Metals, spelter, saleable only under regulations appended, per 100 catties	0	2	5	0
Metals, steel, per 100 catties	0	2	5	0
Metals, tin, per 100 catties	1	2	5	0
Metals, tin plates, per 100 catties	0	4	0	0
Mother-of-pearl shell, per 100 catties	0	2	0	0
Musical boxes, five per cent. ad valorem.				
Mussels, dried, per 100 catties	0	2	0	0
Nutmegs, per 100 catties	2	5	0	0
Olives, unpickled, salted or pickled, per 100 catties	0	1	8	0

	T.	M.	C.	C.
Opium, per 100 catties	30	0	0	0
Pepper, black, per 100 catties	0	3	6	0
Pepper, white, per 100 catties	0	5	0	0
Prawns, dried, per 100 catties	0	3	6	0
Putchuck, per 100 catties	0	6	0	0
Rattans, per 100 catties	0	1	5	0
Rose maloes, per catties	1	0	0	0
Salt fish, per 100 catties	0	1	8	0
Saltpetre, saleable only under regulation appended, per hundred catties	0	5	0	0
Sandal-wood, per 100 catties	0	4	0	0
Sapan-wood, per hundred catties	0	1	0	0
Sea-horse teeth, per 100 catties	2	0	0	0
Sharks' fins, black, per 100 catties	0	5	0	0
Sharks' fins, white, per 100 catties	1	5	0	0
Sharks' skins, per hundred	2	0	0	0
Silver thread, real, per catty	1	3	0	0
Silver thread, imitation, per catty	0	0	3	0
Sinews, buffalo and deer, per 100 catties	0	5	5	0
Skins, fox, large, each	0	1	5	0
Skins, fox, small, each	0	0	7	5
Skins, marten, each	0	1	5	0
Skins, sea-otter, each	1	5	0	0
Skins, tiger and leopard, each	0	1	5	0
Skins, beaver, per hundred	5	0	0	0
Skins, doe, hare and rabbit, per hundred	0	5	0	0
Skins, squirrel, per hundred	0	5	0	0
Skins, land-otter, per hundred	2	0	0	0
Skins, racoon, per hundred	2	0	0	0
Smalts, per 100 catties	1	5	0	0
Snuff, foreign, per 100 catties	7	2	0	0
Sticklac, per 100 catties	0	3	0	0
Stockfish, per 100 catties	0	5	0	0
Sulphur and brimstone, (saleable only under regulation appended,) per 100 catties	0	2	0	0
Telescopes, spy and opera glasses, looking-glasses, mirrors, 5 per cent. ad valorem.				
Tigers' bones, per 100 catties	1	5	5	0
Timber, masts and spars, hard-wood, not exceeding 40 feet, each	4	0	0	0
Timber, masts and spars, hard-wood not exceeding 60 feet, each	6	0	0	0
Timber, masts and spars, hard-wood, exceeding 60 feet each	10	0	0	0
Timber, masts and spars, soft-wood, not exceeding 40 feet each	2	0	0	0
Timber, masts and spars, soft-wood, not exceeding 60 feet each	4	5	0	0
Timber, masts and spars, soft-wood, exceeding 60 feet each	6	5	0	0
Timber, beams, hard-wood, not exceeding 26 feet long, and under 12 inches square, each	0	1	5	0
Timber, planks, hard-wood, not exceeding 24 feet long, 12 inches wide, and 3 inches thick, per 100	3	5	0	0
Timber, planks, hard-wood, not exceeding 16 feet long, 12 inches wide, and 3 inches thick, per 100	2	0	0	0
Timber, plank, soft-wood, per 1,000 square feet	0	7	0	0
Timber, plank, teak, per cubic foot	0	0	3	5
Timber, per 100 catties	0	3	5	0
Tortoise-shell, per catty	0	2	5	0
Tortoise-shell, broken, per catty	0	0	7	2
Umbrellas, each	0	0	3	5
Velvets, not exceeding 34 yards long, per piece	0	1	8	0
Watches, per pair	1	0	0	0
Watches, émaillées à perles, per pair	4	5	0	0
Wax, Japan, per 100 catties	0	6	5	0
Woods, camagon, per 100 catties	0	0	3	0
Woods, ebony, per 100 catties,	0	1	5	0
Woods, garroo, per 100 catties	2	0	0	0
Woods, fragrant, per 100 catties	0	4	5	0
Woods, kranjee, 35 feet long, 1 foot 8 inches wide, and 1 foot thick, each	0	8	0	0
Woods, laka, per 100 catties	0	1	4	5
Woods, red, per 100 catties	0	1	1	5
Woollen manufactures, viz, blankets, per pair	0	2	0	0
Woollen broadcloth and Spanish stripes, habit and medium cloth, 51 @ 64 inches wide, per chang	0	1	2	0
Woollen, long ells, 31 inches wide, per chang	0	0	4	5

	T.	M.	C.	C.
Woollen camlets, English, 31 inches wide, per chang	0	0	5	0
Woollen camlets, Dutch, 33 inches wide, per chang	0	1	0	0
Woollen camlets, imitation and bombazettes, per chang	0	0	3	5
Woollen cassimeres, flannel, and narrow cloth, per chang	0	0	4	0
Woollen lastings, 31 inches wide, per chang	0	0	5	0
Woollen lastings, imitation and Orleans, 34 inches wide, per chang	0	0	3	5
Woollen bunting, not exceeding 24 inches wide, 40 yards long, per piece	0	2	0	0
Woollen and cotton mixtures, viz, lustres, plain and brocaded, not exceeding 31 yards long, per piece	0	2	0	0
Woollen, inferior Spanish stripes, per chang	0	1	0	0
Woollen yarn, per 100 catties	3	0	0	0

TARIFF ON EXPORTS.

Alum, per 100 catties	0	0	4	5
Alum, green or copperas, per 100 catties	0	1	0	0
Anise-seed, star, per 100 catties	0	5	0	0
Anise-seed, broken, per 100 catties	0	2	5	0
Anise-seed, oil, per 100 catties	5	0	0	0
Apricot seeds, or almonds, per 100 catties	0	4	5	0
Arsenic, per 100 catties	0	4	5	0
Artificial flowers, per 100 catties	1	5	0	0
Bamboo ware, per 100 catties	0	7	5	0
Bangles, or glass armlets, per 100 catties	0	5	0	0
Beans and peas, (except from New Chwang and Tang Chow,) per 100 catties	0	0	6	0
Bean cake, (except from New Chwang and Tang Chow,) per 100 catties.	0	0	3	5
Bone and horn ware, per 100 catties	1	5	0	0
Brass buttons, per 100 catties	3	0	0	0
Brass foil, per 100 catties	1	5	0	0
Brass ware, per 100 catties	1	0	0	0
Brass ware, per 100 catties	1	1	5	0
Camphor, per 100 catties	0	7	5	0
Canes, per thousand	0	5	0	0
Cantharides, per 100 catties	2	0	0	0
Capoor cutchery, per 100 catties	0	3	0	0
Carpets and druggets, per hundred	3	5	0	0
Cassia lignea, per 100 catties	0	6	0	0
Cassia buds, per 100 catties	0	8	0	0
Cassia twigs, per 100 catties	0	1	5	0
Cassia oil, per 100 catties	9	0	0	0
Castor oil, per 100 catties	9	2	0	2
Chestnuts, per 100 catties	0	1	0	0
China root, per 100 catties	0	1	3	0
Chinaware, fine, per 100 catties	0	9	0	0
Chinaware, coarse, per 100 catties	0	4	5	0
Cinnabar, per 100 catties	0	7	5	0
Clothing, cotton, per 100 catties	1	5	0	0
Clothing, silk, per 100 catties	10	0	0	0
Coal, per 100 catties	0	0	4	0
Coir, per 100 catties	0	1	0	0
Copper ore, per 100 catties	0	5	0	0
Copper sheathing, old, per 100 catties	0	5	0	0
Copper and pewter ware, per 100 catties	1	1	5	0
Corals, false, per 100 catties	0	3	5	0
Cotton, raw, per 100 catties	0	3	5	0
Cotton rags, per 100 catties	0	0	4	5
Cow bezoar, per catty	0	3	6	0
Crackers, fireworks, per 100 catties	0	5	0	0
Cubebs, per 100 catties	1	5	0	0
Curiosities, antiques, 5 per cent. ad valorem.				
Dates, black, per 100 catties	0	1	5	0
Dates, red, per 100 catties	0	0	9	0
Dye, green, per catty	0	8	0	0
Eggs, preserved, per thousand	0	3	5	0
Fans, feather, per hundred	0	7	5	0
Fans, paper, per hundred	0	0	4	5
Fans, palm leaf, trimmed, per thousand	0	3	6	0
Fans, palm leaf, untrimmed, per thousand	0	2	0	0
Felt cuttings, per 100 catties	0	1	0	0

	T.	M.	C.	C.
Felt caps, per hundred	1	2	5	0
Fungus, or agaric, per 100 catties	0	6	0	0
Galangal, per 100 catties	0	1	0	0
Garlic, per 100 catties	0	0	3	5
Ginseng, native, 5 per cent. ad valorem.				
Ginseng, Corean or Japan, first quality, per catty	0	5	0	0
Ginseng, Corean or Japan, second quality, per catty	0	3	5	0
Glass beads, per 100 catties	0	5	0	0
Glass, or vitrified ware, per 100 catties	0	5	0	0
Grass-cloth, fine, per 100 catties	2	5	0	0
Grass-cloth, coarse, per 100 catties	0	7	5	0
Ground-nuts, per 100 catties	0	1	0	0
Ground-nuts, cake, per 100 catties	0	0	3	0
Gypsum, ground, or plaster of Paris, per 100 catties	0	0	3	0
Hair, camels', per 100 catties	1	0	0	0
Hair, goats', per 100 catties	0	1	8	0
Hams, per 100 catties	0	5	5	0
Hartall, or orpiment, per 100 catties	0	3	5	0
Hemp, per 100 catties	0	3	5	0
Honey, per 100 catties	0	9	0	0
Horns, deer's, young, per pair	0	9	0	0
Horns, deer's, old, per 100 catties	1	3	5	0
India ink, per 100 catties	4	0	0	0
Indigo, dry, per 100 catties	1	0	0	0
Ivory ware, per catty	0	1	5	0
Joss sticks, per 100 catties	0	2	0	0
Kittysols, or paper umbrellas, per hundred	0	5	0	0
Lacquered ware, per 100 catties	1	0	0	0
Lamp-wicks, per 100 catties	0	6	0	0
Lead, red, (minimum,) per 100 catties	0	3	5	0
Lead, white, (ceruse,) per 100 catties	0	3	5	0
Lead, yellow, (massicot,) per 100 catties	0	3	5	0
Leather articles, as pouches, purses, per 100 catties	1	5	0	0
Leather, green, per 100 catties	1	8	0	0
Lichees, per 100 catties	0	2	0	0
Lily flowers, dried, per 100 catties	0	2	7	0
Lily-seed, or lotus nuts, per 100 catties	0	5	0	0
Licorice, per 100 catties	0	1	3	5
Lung-ngan, per 100 catties	0	2	5	0
Lung-ngan, without the stone, per 100 catties	0	3	5	0
Manure-cakes, or poudrette, per 100 catties	0	0	9	0
Marble slabs, per 100 catties	0	2	0	0
Mats of all kinds, per hundred	0	2	0	0
Matting, per roll of 40 yards	0	2	0	0
Melon-seeds, per 100 catties	0	1	0	0
Mother-o'-pearl ware, per catty	0	1	0	0
Mushrooms, per 100 catties	1	5	0	0
Musk, per catty	0	9	0	0
Nankeen and native cotton cloths, per 100 catties	1	5	0	0
Nutgalls, per 100 catties	0	5	0	0
Oil, as bean, tea, wood, cotton, and hemp-seed, per 100 catties	0	3	0	0
Oiled paper, per 100 catties	0	4	5	0
Olive-seed, per 100 catties	0	3	0	0
Oyster-shells, sea-shells, per 100 catties	0	0	9	0
Paint, green, per 100 catties	0	4	5	0
Palampore, or cotton bedquilts, per hundred	2	7	5	0
Paper, 1st quality, per 100 catties	0	7	0	0
Paper, 2d quality, per 100 catties	0	4	0	0
Pearls, false, per 100 catties	2	0	0	0
Peel, orange, per 100 catties	0	3	0	0
Peel, pumelo, 1st quality, per 100 catties	0	4	5	0
Peel, pumelo, 2d quality, per 100 catties	0	1	5	0
Peppermint leaf, per 100 catties	0	1	0	0
Peppermint oil, per 100 catties	3	5	0	0
Pictures and paintings, each	0	1	0	0
Pictures on pith or rice paper, per hundred	0	1	0	0
Pottery, earthenware, per 100 catties	0	0	5	0
Preserve, comfits and sweetmeats, per 100 catties	0	5	0	0

	T.	M.	C.	C.
Rattans, split, per 100 catties	0	2	5	0
Rattan ware, per 100 catties	0	3	0	0
Rhubarb, per 100 catties	1	2	5	0
Rice or paddy, wheat, millet, and other grains, per 100 catties	0	1	0	0
Rugs of hair or skin, each	0	0	9	0
Samshoo, per 100 catties	0	1	5	0
Sandal-wood ware, per catty	0	1	0	0
Sea-weed, per 100 catties	0	1	5	0
Sesamum seed, per 100 catties	0	1	3	5
Shoes and boots, leather or satin, per one hundred pairs	3	0	0	0
Shoes, straw, per one hundred pairs	0	1	8	0
Silk, raw and thrown, per 100 catties	10	0	0	0
Silk, yellow, from Szechuen, per 100 catties	7	0	0	0
Silk, reeled from Dupions, per 100 catties	5	0	0	0
Silk, wild raw, per 100 catties	2	5	0	0
Silk, refuse, per 100 catties	1	0	0	0
Silk, cocoons, per 100 catties	3	0	0	0
Silk, floss, Canton, per 100 catties	4	3	0	0
Silk, floss, from other provinces, per 100 catties	10	0	0	0
Silk, ribbons and thread, per 100 catties	10	0	0	0
Silk, piece goods, pongees, shawls, scarfs, crape, satin, gauze, velvet and embroidered goods, per 100 catties	12	0	0	0
Silk, piece goods, Szechuen and Shantung, per 100 catties	4	5	0	0
Silk, tassels, per 100 catties	10	0	0	0
Silk caps, per hundred	0	9	0	0
Silk and cotton mixtures, per 100 catties	5	5	0	0
Silver and gold ware, per 100 catties	10	0	0	0
Snuff, per 100 catties	0	8	0	0
Soy, per 100 catties	0	4	0	0
Straw braid, per 100 catties	0	7	0	0
Sugar, brown, per 100 catties	0	1	2	0
Sugar, white, per 100 catties	0	2	0	0
Sugar, candy, per 100 catties	0	2	5	0
Tallow, animal, per 100 catties	0	2	0	0
Tallow, vegetable, per 100 catties	0	3	0	0
Tea, per 100 catties	2	5	0	0
Tin-foil, per 100 catties	1	2	5	0
Tobacco, prepared, per 100 catties	0	4	5	0
Tobacco, leaf, per 100 catties	0	1	5	0
Tortoise-shell ware, per catty	0	2	0	0
Trunks, leather, per 100 catties	1	5	0	0
Turmeric, per 100 catties	0	1	0	0
Twine, hemp, Canton, per 100 catties	0	1	5	0
Twine, hemp, Soochow, per 100 catties	0	5	0	0
Turnips, salted, per 100 catties	0	1	8	0
Varnish, or crude lacquer, per 100 catties	0	5	0	0
Vermicelli, per 100 catties	0	1	8	0
Vermillion, per 100 catties	2	5	0	0
Wax, white or insect, per 100 catties	1	5	0	0
Wood, piles, poles and joists, each	0	0	3	0
Wood ware, per 100 catties	1	1	5	0
Wool, per 100 catties	0	3	5	0

[SEAL.] WILLIAM B. REED.

RULE I.

Unenumerated goods.

Articles not enumerated in the list of exports, but enumerated in the list of imports, when exported, shall pay the amount of duty set against them in the list of imports; and similarly, articles not enumerated in the list of imports, but enumerated in the list of exports, when imported, will pay the amount of duty set against them in the list of exports. Unenumerated goods.

Articles not enumerated in either list, nor in the list of duty-free goods, shall pay an ad valorem duty of five per cent., calculated upon their market value.

Rule II.

Duty-free goods.

Gold and silver bullion, foreign coins, flour, Indian-meal, sago, biscuit, preserved meats, and vegetables.

Cheese, butter, confectionery.

Foreign clothing, jewelry, plated ware, perfumery, soap of all kinds.

Charcoal, firewood, candles, (foreign,) tobacco, (foreign,) cigars, (foreign.)

Wine, beer, spirits, household stores, ships' stores, personal baggage, stationery, carpeting, druggeting, cutlery, foreign medicines and glass and crystal ware.

The above commodities pay no import or export duty; but, if transported into the interior, will, with the exception of personal baggage, gold and silver bullion, and foreign coins, pay a transit duty at the rate of two and a half per cent. ad valorem.

A freight or part freight of duty-free goods (personal baggage, gold and silver bullion and foreign coins excepted) will render the vessel carrying them, though no other cargo be on board, liable to tonnage dues.

Rule III.

Contraband goods.

Import and export trade is alike prohibited in the following articles:

Gunpowder, shot, cannon, fowling-pieces, rifles, muskets, pistols and all other munitions and implements of war, and salt.

Rule IV.

Weights and measures.

In the calculations of the tariff the weight of a pecul of one hundred catties is held to be equal to one hundred and thirty-three and one-third pounds avoirdupois, and the length of a *chang* of ten Chinese feet to be equal to one hundred and forty-one English inches.

One Chinese *chih* is held to equal fourteen and one-tenth inches English, and four yards English, less three inches, to equal one *chang*.

Rule V.

Regarding certain commodities heretofore contraband.

The restrictions affecting trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre and spelter, are relaxed under the following conditions:

1. Opium will henceforth pay thirty taels per pecul import-duty. The importer will sell it only at the port. It will be carried into the interior by Chinese only, and only as Chinese property; the foreign trader will not be allowed to accompany it. The provision of the treaty of Tien-tsin, conferring privileges by virtue of the most favored clause, so far as respects citizens of the United States going into the interior to trade or paying transit-duties, shall not extend to the article of opium, the transit-duties on which will be arranged as the Chinese Government see fit; nor in future revisions of the tariff is the same rule of revision to be applied to opium as to other goods.

Opium.

2. *Copper-cash.*—The export of cash to any foreign port is prohibited; but it shall be lawful for citizens of the United States to ship it at one of the open ports of China to another on compliance with the following regulation: The shipper shall give notice of the amount of cash he desires to ship, and the port of its destination, and shall bind himself, either by a bond with two sufficient sureties, or by depositing such other security as may be deemed by the customs satisfactory, to return, within six months from the date of clearance, to the collector at the port of shipment, the certificate issued by him, with an acknowledgment thereon of the receipt of the cash at the port of destination by the collector at that port, who shall thereto affix his seal; or, failing the production of the certificate, to forfeit a sum equal in value to the cash shipped.

Copper cash.

Cash will pay no duty inwards or outwards, but a freight, or part freight of cash, though no other cargo be on board, will render the vessel carrying it liable to tonnage dues.

3. The export of rice and all other grains whatsoever, native or foreign, no matter where grown or whence imported, to any foreign port, is prohibited; but these commodities may be carried by citizens of the United States from one of the open ports of China to another, under the same conditions in respect of security as cash, on payment at the port of shipment of the duty specified in the tariff.

Rice and other grains.

No import duty shall be levyable upon rice or grain, but a freight or part freight of rice or grain, though no other cargo be on board, will render the vessel importing it liable to tonnage dues.

4. *Pulse.*—The export of pulse and bean cake from Tang-Chau, and Nin-Chwang, under the American flag is prohibited. From any of the other open ports they may be shipped, on payment of the tariff duty, either to other ports of China or to foreign countries. Pulse and bean cake.

5. Saltpetre, sulphur, brimstone and spelter, being deemed by the Chinese to be munitions of war, shall not be imported by citizens of the United States save at the requisition of the Chinese Government, or for sale to Chinese duly authorized to purchase them. No permit to land them shall be issued until the customs have proof that the necessary authority has been given to the purchaser. It shall not be lawful for citizens of the United States to carry these commodities up the Yang-tsz-Kiang, or into any port other than those open on the sea-board, nor to accompany them into the interior on behalf of Chinese. They must be sold at the ports only, and, except at the ports, they will be regarded as Chinese property. Saltpeter, sulphur, brimstone and spelter.

Infractions of the conditions, as above set forth, under which trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre and spelter may be henceforward carried on, will be punishable by confiscation of all the goods concerned.

Rule VI.

Liability of vessels entering port.

For the prevention of misunderstanding, it is agreed that American vessels must be reported to the Consul within twenty-four hours, counting from the time the vessel comes within the limits of the port, and that the same rule be applied to the forty-eight hours allowed by art. XIX of the treaty to remain in port without payment of tonnage dues.

The limits of the ports shall be defined by the customs, with all consideration for the convenience of trade, compatible with due protection of the revenue; also, the limits of the anchorages within which lading and discharging are permitted by the customs, and the same shall be notified to the Consuls for public information. Limits of ports.

Rule VII.

Transit-dues.

It is agreed that the amount of transit-dues legally levyable upon merchandise imported or exported shall be one-half the tariff duties, except in the case of the duty free goods liable to a transit-duty of two and a half per cent. *ad valorem*, as provided in No. II. of these rules. Transit dues.

Merchandise shall be cleared of its transit dues under the following regulations:

In the case of imports. Notice being given at the port of entry from which the imports are to be forwarded inland of the nature and quantity of the goods, the ship from which they have been landed, and the place inland to which they are bound, with all other necessary particulars, the collector of customs shall, on due inspection made, and on receipt of the transit duty due, issue a transit duty certificate. This must be produced at every barrier station, and viséed. No further duty will be levyable upon imports so certificated, no matter how distant the place of their destination. Imports.

In the case of exports. Produce purchased by a citizen of the United States in the interior will be inspected and taken account of at the first barrier it passes on its way to the port of shipment. A memorandum showing the amount of the produce, and the port at which it is to be shipped, will be deposited there by the person in charge of the produce. He will then receive a certificate, which must be exhibited and viséed at every barrier on his way to the port of shipment. On the arrival of the produce at the barrier nearest the port notice must be given to the customs at the port, and the transit dues due thereon being paid it will be passed. On exportation the produce will pay the tariff duty. Exports.

Any attempt to pass goods inward or outward, otherwise than in compliance with the rule here laid down, will render them liable to confiscation. Unauthorized sale *in transitu* of goods that have been entered as above for a port will render them liable to confiscation. Any attempt to pass goods in excess of the quantity specified in the certificate will render all the goods of the same denomination named in the certificate liable to confiscation. Permission to export produce which cannot be proved to have paid its transit-dues will be refused by the customs until the transit dues shall have been paid. Penalty for violation.

RULE VIII.

Trade with the capital.

It is agreed that no citizen of the United States shall have the privilege of entering the capital city of Peking for the purposes of trade.

RULE IX.

Abolition of the meltage fee.

It is agreed that the percentage of one tael, two mace hitherto charged, in excess of duty payments, to defray the expenses of melting by the Chinese Government, shall no longer be levied on citizens of the United States.

RULE X.

Collection of duties under one system at all ports.

It being, by treaty, at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue accruing on American trade, it is agreed that one uniform system shall be enforced at every port.

The high officer appointed by the Chinese Government to superintend foreign trade will accordingly, from time to time, either himself visit, or will send a deputy to visit, the different ports. The said high officer will be at liberty of his own choice, independently of the suggestion or nomination of any American authority, to select any citizen of the United States he may see fit to aid him in the administration of the customs revenue, in the prevention of smuggling, in the definition of port boundaries, or in discharging the duties of harbor-master; also in the distribution of lights, buoys, beacons and the like, the maintenance of which shall be provided for out of the tonnage dues.

Smuggling.

Lights, beacons, and buoys.

The Chinese Government will adopt what measures it shall find requisite to prevent smuggling up the Yang-tsz-Kiang, when that river shall be open to trade.

[SEAL.] WILLIAM B. REED.

1858.

CONVENTION FOR THE ADJUSTMENT OF CLAIMS OF CITIZENS OF THE UNITED STATES AGAINST CHINA.

Concluded November 8, 1858.

In order to carry into effect the convention made at Tien-tsin by the High Commissioners and Plenipotentiaries respectively representing the United States of America and the Ta Tsing Empire, for the satisfaction of claims of American citizens, by which it was agreed that one-fifth of all tonnage, import and export-duties, payable on American ships and goods shipped in American vessels at the ports of Canton, Shanghai, and Fuh-chau, to an amount not exceeding six hundred thousand taels, should be applied to that end; and the Plenipotentiary of the United States, actuated by a friendly feeling towards China, is willing, on behalf of the United States, to reduce the amount needed for such claims to an aggregate of five hundred thousand taels, it is now expressly agreed by the high contracting parties in the form of a supplementary convention, as follows:

ARTICLE I.

That on the first day of the next Chinese year the collectors of customs at the said three ports shall issue debentures to the amount of five hundred thousand taels, to be delivered to such persons as may be named by the Minister or chief diplomatic officer of the United States in China, and it is agreed that the amount shall be distributed as follows: Three hundred thousand taels

Liquidation of all claims of American citizens.

at Canton, one hundred thousand taels at Shanghai, and one hundred thousand taels at Fuh-chau, which shall be received in payment of one-fifth of the tonnage, export and import-duties on American ships, or goods in American ships at the said ports, and it is agreed that this amount shall be in full liquidation of all claims of American citizens at the various ports to this date.

In faith whereof the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, that is to say, on the part of the United States, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary, and on the part of the Ta Tsing Empire, Kweiliang, a member of the Privy Council, Captain-General of the Plain White Banner Division of the Manchu Bannermen and Superintendent of the Board of Punishments; and Hwashana, Classical Reader at Banquets, President of the Board of Civil Office, Captain-General of the Bordered Blue Banner Division of the Chinese Bannermen, both of them Plenipotentiaries, with Ho-Kwei-tsing, Governor-General of the two Kiang Provinces, President of the Board of War, and Guardian of the Heir-Apparent; Mingshen, President of the Ordnance Office of the Imperial Household, with the Insignia of the Second Grade; and Twan, a titular President of the Fifth Grade, member of the Establishment of the General Council, and one of the junior under Secretaries of the Board of Punishments, all of them special Imperial Commissioners deputed for the purpose, have signed and sealed these presents.

Done at Shanghai, this eighth day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Independence of the United States the eighty-third, and in the eighth year of Heinfung, the tenth month and third day.

[SEAL.] WILLIAM B. REED.

[SEAL.] KWEILIANG.
HWASHANA.
HO-KWEI-TSING.
MINGSHEN.
TWAN.

1868.

TREATY CONCERNING TRADE, CONSULS, RELIGIOUS TOLERATION AND EMIGRATION, BEING ADDITIONAL ARTICLES TO THE TREATY OF JUNE 18, 1858.

Concluded July 28, 1868; *Ratifications exchanged at Peking. November* 23, 1869; *Proclaimed February* 5, 1870.

Whereas since the conclusion of the treaty between the United States of America and the Ta Tsing Empire (China) of the eighteenth of June, 1858, circumstances have arisen showing the necessity of additional articles thereto, the President of the United States and the August Sovereign of the Ta Tsing Empire, have named for their Plenipotentiaries to wit: The President of the United States of America, William H. Seward, Secretary of State, and His Majesty the Emperor of China, Anson Burlingame, accredited as his Envoy Extraordinary and Minister Plenipotentiary, and Chih-Kang and Sun Chia-Ku, of the second Chinese rank, associated High Envoys and Ministers of his said Majesty; and the said Plenipotentiaries, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

Treatment of citizens of the United States in time of war.

His Majesty the Emperor of China, being of the opinion that, in making concessions to the citizens or subjects of foreign powers of the privilege of residing on certain tracts of land, or resorting to certain waters of that empire for purposes of trade, he has by no means relinquished his right of eminent domain or dominion over the said land and waters, hereby agrees that no such concession or grant shall be construed to give to any power or party which may be at war with or hostile to the United States the right to attack the citizens of the United States or their property within the said lands or waters. And the United States, for themselves, hereby agree to abstain from offensively attacking the citizens or subjects of any power or party or their property with which they may be at war on any such tract of land or waters of the said empire. But nothing in this article shall be construed to prevent the United States from resisting an attack by any hostile power or party upon their citizens or their property. It is further agreed that if any right or interest in any tract of land in China has been or shall hereafter be granted by the Government of China to the United States or their citizens for purposes of trade or commerce, that grant shall in no event be construed to divest the Chinese authorities of their right of jurisdiction over persons and property within said tract of land, except so far as that right may have been expressly relinquished by treaty.

ARTICLE II.

The United States of America and His Majesty the Emperor of China, believing that the safety and prosperity of commerce will thereby best be promoted, agree that any privilege or immunity in respect to trade or navigation within the Chinese dominions which may not have been stipulated for by treaty, shall be subject to the discretion of the Chinese Government and may be regulated by it accordingly, but not in a manner or spirit incompatible with the treaty stipulations of the parties.

ARTICLE III.

Liberty of China to appoint Consuls.

The Emperor of China shall have the right to appoint Consuls at ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and treaty in the United States by the Consuls of Great Britain and Russia, or either of them.

ARTICLE IV.

Religious freedom in China.

The twenty-ninth article of the treaty of the eighteenth of June, 1858, having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecutions in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese subjects in the United States shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead, of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.

ARTICLE V.

Voluntary emigration of Chinese only permitted.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offence for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

ARTICLE VI.

Most favored nation.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

ARTICLE VII.

Education.

Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China; and, reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside; and reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

ARTICLE VIII.

Citizens of the United States not to intervene in Chinese governmental affairs.

The United States, always disclaiming and discouraging all practices of unnecessary dictation and intervention by one nation in the affairs or domestic administration of another, do hereby freely disclaim and disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs or other material internal improvements. On the other hand, His Majesty the Emperor of China reserves to himself the right to decide the time and manner and circumstances of introducing such improvements within his dominions. With this mutual understanding, it is agreed by the contracting parties that if at any time hereafter His Imperial Majesty shall determine to construct or cause to be constructed works of the character mentioned, within the empire, and shall make application to the United States or any other western power

for facilities to carry out that policy, the United States will, in that case, designate and authorize suitable engineers to be employed by the Chinese Government, and will recommend to other nations an equal compliance with such application, the Chinese Government in that case protecting such engineers in their persons and property and paying them a reasonable compensation for their service.

In faith whereof the respective Plenipotentiaries have signed this treaty and thereto affixed the seals of their arms.

Done at Washington the twenty-eight day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

[SEAL.] WILLIAM H. SEWARD.
ANSON BURLINGAME.
[SEAL.] CHIH-KANG.
SUN CHIA-KU.

1880.

TREATY REGULATING CHINESE IMMIGRATION INTO THE UNITED STATES.

Concluded November 17, 1880; *Ratifications exchanged at Peking July* 19, 1881; *Proclaimed October* 5, 1881.

Whereas, in the eighth year of Hsien Feng, anno Domini 1858, a treaty of peace and friendship was concluded between the United States of America and China, and to which were added, in the seventh year of Tung Chih, Anno Domini 1868, certain supplementary articles to the advantage of both parties, which supplementary articles were to be perpetually observed and obeyed:—and

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing Treaties which shall not be in direct contravention of their spirit:—

Now, therefore, the President of the United States of America has appointed James B. Angell, of Michigan, John F. Swift, of California, and William Henry Trescot, of South Carolina as his Commissioners Plenipotentiary; and His Imperial Majesty, the Emperor of China, has appointed Pao Chün, a member of His Imperial Majesty's Privy Council, and Superintendent of the Board of Civil Office; and Li Hungtsao, a member of His Imperial Majesty's Privy Council, as his Commissioners Plenipotentiary; and the said Commissioners Plenipotentiary, having conjointly examined their full powers, and having discussed the points of possible modification in existing Treaties, have agreed upon the following articles in modification.

Negotiators.

ARTICLE I.

Limitation and suspension of immigration of Chinese laborers.

Whenever in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely

prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ARTICLE II.

Privileges of Chinese subjects in the United States.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities and exemptions which are accorded to the citizens and subjects of the most favored nation.

ARTICLE III.

Treatment of the Chinese in the United States.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

Mitigation of hardships of Chinese to be effected by United States Government.

The high contracting Powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese Minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese Foreign Office may also bring the matter to the notice of the United States Minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

In faith whereof the respective Plenipotentiaries have signed and sealed the foregoing at Peking in English and Chinese being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from date of its execution.

Done at Peking, this seventeenth day of November, in the year of our Lord, 1880. Kuanghsü, sixth year, tenth moon, fifteenth day.

[SEAL.]	JAMES B. ANGELL.
[SEAL.]	JOHN F. SWIFT.
[SEAL.]	WM. HENRY TRESCOT.
[SEAL.]	PAO CHÜN.
[SEAL.]	LI HUNGTSAO.

1880.

TREATY CONCERNING COMMERCIAL INTERCOURSE AND JUDICIAL PROCEDURE.

Concluded November 17, 1880; *Ratifications exchanged at Peking July* 19, 1881; *Proclaimed October* 5, 1881.

The President of the United States of America and His Imperial Majesty the Emperor of China, because of certain points of incompleteness in the existing treaties between the two governments, have named as their commissioners plenipotentiary, that is to say:

The President of the United States, James B. Angell of Michigan, John F. Swift of California, and William Henry Trescot of South Carolina;

His Imperial Majesty, the Emperor of China, Pao Chün, a member of His Imperial Majesty's privy council and Superintendent of the board of civil office, and Li Hungtsao, a member of His Imperial Majesty's privy council, who have agreed upon and concluded the following additional articles:

Negotiators.

ARTICLE I.

Extension of commercial relations to be the subject of consideration.

The Governments of the United States and China, recognizing the benefits of their past commercial relations, and in order still further to promote such relations between the citizens and subjects of the two powers, mutually agree to give the most careful and favorable attention to the representations of either as to such special extension of commercial intercourse as either may desire.

ARTICLE II.

Importation of opium by Chinese prohibited.

The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium into any of the ports of the United States; and citizens of the United States shall not be permitted to import opium into any of the open ports of China; to transport it from one open port to any other open port; or to buy and sell opium in any of the open ports of China. This absolute prohibition, which extends to vessels owned by the citizens or subjects of either power, to foreign vessels employed by them, or to vessels owned by the citizens or subjects of either power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of China and the United States; and the benefits of the favored nation clause in existing treaties shall not be claimed by the citizens or subjects of either power as against the provisions of this article.

ARTICLE III.

Tonnage and import duties in China.

His Imperial Majesty the Emperor of China hereby promises and agrees that no other kind or higher rate of tonnage dues, or duties for imports or exports, or coastwise trade shall be imposed or levied in the open ports of China upon vessels wholly belonging to citizens of the United States; or upon the produce, manufactures or merchandise imported in the same from the United States; or from any foreign country; or upon the produce, manufactures or

merchandise exported in the same to the United States or to any foreign country; or transported in the same from one open port of China to another, than are imposed or levied on vessels or cargoes of any other nation or on those of Chinese subjects.

Tonnage and import duties in the United States.

The United States hereby promise and agree that no other kind or higher rate of tonnage-dues or duties for imports shall be imposed or levied in the ports of the United States upon vessels wholly belonging to the subjects of His Imperial Majesty and coming either directly or by way of any foreign port, from any of the ports of China which are open to foreign trade, to the ports of the United States; or returning therefrom either directly or by way of any foreign port, to any of the open ports of China; or upon the produce, manufactures or merchandise imported in the same from China or from any foreign country, than are imposed or levied on vessels of other nations which make no discrimination against the United States in tonnage-dues or duties on imports, exports or coastwise trade; or than are imposed or levied on vessels and cargoes of citizens of the United States.

ARTICLE IV.

Ex-territoriality granted the United States in trial of her citizens accused of criminal acts.

When controversies arise in the Chinese Empire between citizens of the United States and subjects of His Imperial Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the Governments of the United States and China that such cases shall be tried by the proper official of the nationality of the defendant. The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interests of justice. If he so desires, he shall have the right to present, to examine and to cross-examine witnesses. If he is dissatisfied with the proceedings, he shall be permitted to protest against them in detail. The law administered will be the law of the nationality of the officer trying the case.

Ratifications.

In faith whereof the respective plenipotentiaries have signed and sealed the foregoing at Peking in English and Chinese, being three originals of each text, of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from the date of its execution.

Done at Peking this seventeenth day of November, in the year of our Lord, 1880, Kuanghsü, sixth year, tenth moon, fifteenth day.

[SEAL.]	JAMES B. ANGELL.
[SEAL.]	JOHN F. SWIFT.
[SEAL.]	WM. HENRY TRESCOT.
[SEAL.]	PAO CHÜN.
[SEAL.]	LI HUNGTSAO.

COLOMBIA.*

1824.†

TREATY OF PEACE, AMITY, NAVIGATION AND COMMERCE.

Concluded October 3, 1824; *Ratifications exchanged at Washington May* 27, 1825; *Proclaimed May* 31, 1825.

In the name of God, Author and Legislator of the Universe.

The United States of America, and the Republic of Colombia, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace, friendship, commerce and navigation.

For this most desirable object, the President of the United States of America has conferred full powers on Richard Clough Anderson, junior, a citizen of the said States, and their Minister Plenipotentiary to the said Republic; and the Vice-President of the Republic of Colombia, charged with the executive power, on Pedro Gual, Secretary of State and of Foreign Relations, who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

Negotiators.

ARTICLE I.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of Colombia, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

Declaration of amity.

ARTICLE II.

The United States of America and the Republic of Colombia desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely if the concession was freely made, or on allowing the same compensation if the concession was conditional.

Most favored nation.

* The Republic of Columbia was divided in November, 1831, into the three independent republics of New Granada, Venezuela, and Ecuador. In 1862 New Granada changed its name to the United States of Colombia.

† See notes "Abrogated, suspended or obsolete treaties."

ARTICLE III.

The citizens of the United States may frequent all the coasts and countries of the Republic of Colombia, and reside and trade there, in all sorts of produce, manufactures and merchandise, and shall pay no other or greater duties, charges or fees whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees and usages there established, and to which are submitted the subjects and citizens of the most favored nations. Freedom of commerce and navigation.

In like manner the citizens of the Republic of Colombia may frequent all the coasts and countries of the United States, and reside and trade there, in all sorts of produce, manufactures and merchandise, and shall pay no other or greater duties, charges or fees whatsoever than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees and usages there established, and to which are submitted the subjects and citizens of the most favored nations.

ARTICLE IV.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships and other citizens of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by whole sale or retail, as with respect to the loading, unloading and sending off their ships, they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation. Privileges of citizens of one nation in territory of the other.

ARTICLE V.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification. Indemnity to vessels detained by embargo.

ARTICLE VI.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind. Asylum to vessels in distress.

ARTICLE VII.

All the ships, merchandise and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or Captures by pirates.

dominions, of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys or agents of the respective Governments.

ARTICLE VIII.

Shipwrecks.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandises and effects, without exacting for it any duty, impost or contribution whatever, until they may be exported.

ARTICLE IX.

Property of citizens of one nation in territory of the other.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all rights of detraction, on the part of the government of the respective States.

ARTICLE X.

Special protection to citizens of one nation in territory of the other.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary, with the natives or citizens of the country in which they may be; for which they may employ in defence of their rights such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE XI.

Religious freedom.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested

on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XII.

It shall be lawful for the citizens of the United States of America and of the Republic of Colombia to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandises before mentioned, and to trade with the same liberty and security from the places, ports and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognized this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Privileges of neutrals in time of war.

ARTICLE XIII.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemies' vessels shall be held and considered as enemies' property, and, as such, shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward, if it were done without the knowledge of it; but the contracting parties agree, that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises, of the neutral, embarked in such enemy's ships, shall be free.

Neutral flag will not protect enemy's property.

ARTICLE XIV.

Contraband articles.

This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended—

First. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms;

Secondly. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use;

Thirdly. Cavalry belts, and horses with their furniture;

Fourthly. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

ARTICLE XV.

Blockade.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blocked up; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XVI.

Neutral vessels not subject to detention after delivery of contraband articles.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE XVII.

Neutral vessels at blockaded ports.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded

or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Article XVIII.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, and may send its boat with two or three men only in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever. Visitation and search.

Article XIX.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent. Proofs of nationality of vessels.

Article XX.

It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient. Not subject to visitation and search.

ARTICLE XXI.

Prize courts only competent in prize causes.

It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motive on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXII.

Letters of marque.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

ARTICLE XXIII.

Privileges of citizens of one nation in territory of the other in time of war.

If by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States, and of the Republic of Colombia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXIV.

Debts and securities not to be confiscated in time of war.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXV.

Most favored nation privileges accorded to public ministers.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers and other public agents the same favors, immunities and exemptions which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities or privileges the United States of America or the Republic of Colombia may find it proper to give to the ministers and public agents of any other power, shall by the same act be extended to those of each of the contracting parties.

ARTICLE XXVI.

To make more effectual the protection which the United States and the Republic of Colombia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

Liberty to appoint Consuls.

ARTICLE XXVII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

Exequaturs.

ARTICLE XXVIII.

It is likewise agreed that the Consuls, their secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Rights of Consuls, citizens of the States appointing them.

ARTICLE XXIX.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers, of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Deserters.

ARTICLE XXX.

Agreement to make a consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXI.

The United States of America and the Republic of Colombia, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce and navigation, have declared solemnly, and do agree to the following points:

Duration of treaty.

First. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers;

Violation of treaty by citizens of either nation.

Second. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation;

Third. If, (what, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed;

Fourth. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of peace, amity, commerce and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Colombia, with the consent and approbation of the Congress of the same, and the ratifications shall be exchanged in the city of Washington within eight months, to be counted from the date of the signature hereof, or sooner, if possible.

Ratifications.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Republic of Colombia, have signed and sealed these presents.

Done in the city of Bogota, on the third day of October, in the year of our Lord one thousand eight hundred and twenty-four, in the forty-ninth year of the Independence of the United States of America, and the fourteenth of that of the Republic of Colombia.

[SEAL.] RICHARD CLOUGH ANDERSON, JR.
[SEAL.] PEDRO GUAL.

NEW GRANADA.

1846.

TREATY OF PEACE, AMITY, NAVIGATION AND COMMERCE.

Concluded December 12, 1846; *Ratifications exchanged at Washington June* 10, 1848; *Proclaimed June* 12, 1848.

The United States of North America and the Republic of New Granada, in South America, desiring to make lasting and firm the friendship and good understanding which happily exist between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between each other, by means of a treaty, or general convention of peace and friendship, commerce and navigation.

For this desirable object the President of the United States of America has conferred full powers on Benjamin A. Bidlack, a citizen of the said States, and their Chargé d'Affaires in Bogota; and the President of the Republic of New Granada has conferred similar and equal powers upon Manuel Maria Mallarino, Secretary of State and Foreign Relations; who, after having exchanged their said full powers in due form, have agreed to the following articles: Negotiators.

ARTICLE I.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of New Granada, in all the extent of their possessions and territories, and between their citizens respectively, without distinction of persons or places. Declaration of amity.

ARTICLE II.

The United States of America and the Republic of New Granada, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional. Most favored nation.

ARTICLE III.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds Freedom of commerce and navigation.

of produce, manufactures and merchandise; and that they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE IV.

No discrimination in import and tonnage duties.

They likewise agree that whatever kind of produce, manufacture or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of New Granada; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufactures or merchandise of any foreign country can be from time to time lawfully imported into the Republic of New Granada in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other.

No discrimination in bounties, duties and drawbacks.

And they further agree, that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country, may in like manner be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of New Granada.

ARTICLE V.

No discrimination in duties on imports and exports.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufacture of the Republic of New Granada, and no higher or other duties shall be imposed on the importation into the Republic of New Granada of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to the Republic of New Granada, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of New Granada, to or from the territories of the United States or to or from the territories of the Republic of New Granada, which shall not equally extend to all other nations.

ARTICLE VI.

Reciprocal application of provisions of Articles IV., V., VI.

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States and their cargoes arriving in the ports of New Granada, and reciprocally to the vessels of the said Republic of

New Granada and their cargoes arriving in the ports of the United States, whether they proceed from the ports of the country to which they respectively belong, or from the ports of any other foreign country; and in either case, no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

ARTICLE VII.

Privileges of citizens of one nation in territory of the other.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, by themselves or agents, their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nation.

ARTICLE VIII.

Indemnity guaranteed for detention of vessels by embargo.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained, with their vessels, cargoes, merchandise or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

ARTICLE IX.

Asylum granted to vessels in distress.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or assylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions, or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind, or the payment of port-fees, or any charges other than pilotage, except such vessels continue in port longer than forty-eight hours, counting from the time they cast anchor in port.

ARTICLE X.

Captures by pirates.

All the ships, merchandise and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim shall be made within the term of one year by the parties themselves, their attorneys or agents, of their respective governments.

ARTICLE XI.

Shipwrecks.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

ARTICLE XII.

Property of citizens of one nation in territory of the other.

The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases.

ARTICLE XIII.

Special protection to citizens of one nation in territory of the other.

Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country; for which purpose, they may either appear in proper person, or employ in the prosecution or defense of their rights such advocates, solicitors, notaries, agents and factors as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE XIV.

Religious freedom.

The citizens of the United States residing in the territories of the Republic of New Granada shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented or disturbed on account of their religious belief. Neither shall they be annoyed, molested or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship and the respect due to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States, who may die in the territories of the Republic of New Granada, in convenient and adequate places, to be appointed and established by themselves for that purpose, with the knowledge of the local authorities, or in such other places of sepulture

as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in anywise, nor upon any account.

In like manner, the citizens of New Granada shall enjoy, within the Government and territories of the United States, a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, agreeably to the laws, usages, and customs of the United States.

ARTICLE XV.

Privileges of neutrals in time of war.

It shall be lawful for the citizens the United States of America and of the Republic of New Granada to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything which shall be found on board the ships belonging to the citizens of either of the contracting parties shall be deemed to be free and exempt, although the whole lading or any part thereof should appertain to the enemies of either, (contraband goods being always excepted.) It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship unless they are officers and soldiers and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ARTICLE XVI.

Enemy's flag will not protect goods of a neutral.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked on such enemy's ship shall be free.

ARTICLE XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended—

Contraband goods.

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for the military use.

3d. Cavalry belts, and horses with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

5th. Provisions that are imported into a besieged or blockaded place.

ARTICLE XVIII.

All other merchandise, and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Right of neutral to trade with enemy in articles not contraband.

ARTICLE XIX.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

Neutral vessels not subject to detention after delivery of contraband articles.

ARTICLE XX.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged or blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any

Blockade.

other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting that place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Article XXI.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a national vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, unless in stress of weather, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment, for which the commanders of said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever. Visitation and search.

Article XXII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that when such ships have a cargo, they shall also be provided, besides the said sea-letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident and shall be satisfied or supplied by testimony entirely equivalent. Proof of nationality of vessels.

Article XXIII.

It is further agreed that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they may be bound to an enemy's port that they have no contraband goods on board, shall be sufficient. Neutral vessels under convoy not subject to visitation and search.

ARTICLE XXIV.

Prize courts only competent in prize causes.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunals of either party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXV.

Restriction of hostilities to commissioned persons.

For the purpose of lessening the evils of war, the two high contracting parties further agree that, in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the Government, and by those under their orders, except in repelling an attack or invasion, and in the defense of property.

ARTICLE XXVI.

Letters of marque.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

ARTICLE XXVII.

Treatment of citizens of one nation in territory of the other in time of war.

If by any fatality, which cannot be expected, and God forbid, the two contracting parties should be engaged in a war with each other, they have agreed and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States or of New Granada, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVIII.

Debts and securities exempt from confiscation in time of war.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor money, which they may have in public funds nor in public or private banks, shall ever in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXIX.

Most favored nation.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers and other public agents the same favors, immunities and exemptions which those of the most favored nations do or shall enjoy; it being understood that whatever favors, immunities or privileges the United States of America or the Republic of New Granada may find it proper to give to the ministers and public agents of any other power, shall by the same act be extended to those of each of the contracting parties.

ARTICLE XXX.

Liberty to appoint Consuls.

To make more effectual the protection which the United States and the Republic of New Granada shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE XXXI.

Exequaturs.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

ARTICLE XXXII.

Rights of Consuls, citizens of the States appointing them.

It is likewise agreed that the Consuls, their secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service; and also from all kind of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXIII.

Deserters.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand in writing the said deserters, proving, by an exhibition of the registers of the vessels

or ship's roll or other public documents, that those men were part of the said crews; and on this demand so proved, (saving, however, where the contrary is proved by other testimonies,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXXIV.

Agreement to make a consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as circumstances will permit, a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXV.

The United States of America and the Republic of New Granada, desiring to make as durable as possible the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly, and do agree to the following points:

Isthmus of Panama.

1st. For the better understanding of the preceding articles, it is and has been stipulated between the high contracting parties, that the citizens, vessels and merchandise of the United States shall enjoy in the ports of New Granada, including those of the part of the Granadian territory generally denominated Isthmus of Panama, from its southernmost extremity until the boundary of Costa Rica, all the exemptions, privileges and immunities concerning commerce and navigation, which are now or may hereafter be enjoyed by Granadian citizens, their vessels and merchandise; and that this equality of favors shall be made to extend to the passengers, correspondence and merchandise of the United States, in their transit across the said territory, from one sea to the other. The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures or merchandise, of lawful commerce, belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is, under like circumstances, levied upon and collected from the Granadian citizens; that any lawful produce, manufactures or merchandise, belonging to citizens of the United States, thus passing from one sea to the other, in either direction, for the purpose of exportation to any other foreign country, shall not be liable to any import-duties whatever; or, having paid such duties, they shall be entitled to drawback upon their exportation; nor shall the citizens of the United States be liable to any duties, tolls or charges of any kind, to which native citizens are not subjected for thus passing the said Isthmus. And, in order to secure to themselves the tranquil and constant enjoyment of these advan-

tages, and as an especial compensation for the said advantages, and for the favors they have acquired by the 4th, 5th, and 6th articles of this treaty, the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned ishtmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

2d. The present treaty shall remain in full force and vigor for the term of twenty years from the day of the exchange of the ratifications; and from the same day the treaty that was concluded between the United States and Colombia, on the thirteenth of October, 1824, shall cease to have effect, notwithstanding what was disposed in the first point of its 31st article. Duration of treaty.

3d. Notwithstanding the foregoing, if neither party notifies to the other its intention of reforming any of, or all, the articles of this treaty twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties beyond the said twenty years, until twelve months from the time that one of the parties notifies its intention of proceeding to a reform.

4th. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation. Violation of treaty by citizens of either nation.

5th. If unfortunately any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

6th. Any special or remarkable advantage that one or the other power may enjoy from the foregoing stipulation, are and ought to be always understood in virtue and as in compensation of the obligations they have just contracted, and which have been specified in the first number of this article.

ARTICLE XXXVI.

The present treaty of peace, amity, commerce and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof; and by the President of the Republic of New Granada, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Washington, within eighteen months from the date of the signature thereof, or sooner if possible. Ratifications.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Republic of New Granada, have signed and sealed these presents in the city of Bogota, on the twelfth day of December, in the year of our Lord one thousand eight hundred and forty-six.

[SEAL.] B. A. BIDLACK.
[SEAL.] M. M. MALLARINO.

ADDITIONAL ARTICLE.

The Republics of the United States and of New Granada will hold and admit as national ships of one or the other, all those that shall be provided by the respective Government with a patent, issued according to its laws.

Proof of nationality of vessels.

The present additional article shall have the same force and validity as if it were inserted, word for word, in the treaty signed this day. It shall be ratified, and the ratification shall be exchanged at the same time.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done in the city of Bogota, the twelfth day of December, in the year of our Lord one thousand eight hundred and forty-six.

[SEAL.] B. A. BIDLACK.
[SEAL.] M. M. MALLARINO.

1850.

CONVENTION CONCERNING THE RIGHTS AND PRIVILEGES OF CONSULS.

Concluded May 4, 1850; *Ratifications exchanged at Bogota October* 30, 1851; *Proclaimed December* 5, 1851.

In the name of the Most Holy Trinity.

The Governments of the Republics of New Granada and the United States of America, having engaged by the thirty-fourth article of the treaty of peace, amity, navigation and commerce, concluded on the twelfth of December, 1846, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties, in order to comply with this article, and more effectively to protect their commerce and navigation, they have given adequate authority to their respective Plenipotentiaries, to wit:

The Government of New Granada to Raphael Rivas, its Chargé d'Affaires in the United States, and the Government of the United States, to John M. Clayton, Secretary of State;

Negotiators.

Who, after the exchange and examination of their full powers, found to be sufficient and in due form, have agreed upon the following articles:

ARTICLE I.

Each of the two contracting Republics may maintain in the principal cities or commercial places of the other, and in the ports open to foreign commerce, Consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed. They may likewise appoint Consuls-General, as chiefs over the other Consuls, or to attend to the affairs of several commercial places at the same time, and Vice-Consuls for ports of minor importance, or to act under the direction of the Consuls. Each Republic may, however, except those cities, places or ports in which it may consider the residence of such functionaries inconvenient, such exception being common

Liberty to appoint Consuls.

to all nations. All that is said in this convention of Consuls in general shall be considered as relating not only to Consuls, properly so called, but to Consuls-General and Vice-Consuls, in all the cases to which this convention refers.

ARTICLE II.

The Consuls appointed by one of the contracting parties to reside in the ports or places of the other, shall present to the Government of the Republic in which they are to reside their letters-patent or commission, in order that they may receive the proper exequatur, if it be deemed expedient to give it, which shall be granted without any charge; and this exequatur, when obtained, is to be exhibited to the chief authorities of the place in which the Consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogatives, in his respective consular district. The Government receiving the Consul may withdraw the exequatur or his consular commission whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding.

Exequaturs.

ARTICLE III.

The Consuls admitted in either Republic may exercise in their respective districts the following functions:

Privileges of Consuls.

1. They may apply directly to the authorities of the district in which they reside, and they may, in case of necessity, have recourse to the National Government through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, in complaint against any infraction of the treaties of commerce committed by the authorities or persons employed by them in the country, to the injury of the commerce of the nation in whose service the Consul is engaged.

2. They may apply to the authorities of the consular district, and, in case of necessity, they may have recourse to the National Government through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the Consul is engaged; and they may, when necessary, take such measures as may be proper to prevent justice from being denied to them, or delayed, and to prevent them from being judged or punished by any other than competent judges, and agreeably to the laws in force.

Application by consuls to governmental authorities.

3. They may, as the natural defenders of their fellow-countrymen, appear in their name and behalf, whenever so requested by them, before the respective authorities of the place, in all cases in which their support may be necessary.

Consuls to defend citizens of their nations.

4. They may accompany the captains, mates or masters of vessels of their nation in all that they may have to do with regard to the manifests of their merchandise and other documents, and be present in all cases in which the authorities, courts or judges of the country may have to take any declarations from the persons above mentioned, or any other belonging to their respective crews.

Manifests.

5. They may receive depositions, protests and statements from captains, mates and masters of vessels of their nation respecting losses and injuries sustained at sea, and protests of any individuals of their nation respecting mercantile affairs. These documents, drawn up in authentic copies, certified by the Consul, shall be

Depositions.

admitted in the courts and offices of justice, and shall have the same validity as if they had been authenticated before the same judges or courts.

Settlement of damages suffered by vessels at sea.

6. They may determine on all matters relating to injuries sustained at sea by effects and merchandise shipped in vessels of the nation in whose service the Consul is employed arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers, owners and insurers. But if, among the persons interested in such losses and injuries, there should be inhabitants of the country where the Consul resides, and not belonging to the nation in whose service he is, the cognizance of such losses and injuries appertains to the local authorities.

Arbitration of disputes between citizens of their nation.

7. They may compromise amicably, and out of court, the differences arising between their fellow-countrymen, provided that those persons agree voluntarily to submit to such arbitration; in which case the document containing the decision of the Consul, authenticated by himself and by his Chancellor or Secretary, shall have all the force of a notarial copy authenticated, so as to render it obligatory on the interested parties.

Powers of Consuls with respect to vessels, their masters and crews.

8. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers and the members of the crew, unless the disorders taking place on board should disturb the public tranquillity, or persons not belonging to the crew or to the nation in whose service the Consul is employed; in which case the local authorities may interfere.

Shipwrecks.

9. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the Consul resides. In such cases the local authorities shall interfere only in order to maintain tranquillity, to give security to the interests of the parties concerned, and to cause the dispositions which should be observed for the entry and export of the property to be fulfilled. In the absence of the Consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

Death of citizens of one nation in territory of the other.

10. They may take possession, make inventories, appoint appraisers to estimate the value of articles, and proceed to the sale of the movable property of individuals of their nation who may die in the country where the Consul resides without leaving executors appointed by their will or heirs-at-law. In all such proceedings, the Consul shall act in conjunction with two merchants, chosen by himself, for drawing up the said papers or delivering the property or the produce of its sales, observing the laws of his country and the orders which he may receive from his own Government; but Consuls shall not discharge these functions in those States whose peculiar legislation may not allow it. Whensoever there is no Consul in the place where the death occurs, the local authority shall take all the precautions in their power to secure the property of the deceased.

Deserters.

11. They may demand from the local authorities the arrest of seamen deserting from the vessels of the nation in whose service the Consul is employed, exhibiting, if necessary, the register of the vessel, her muster-roll, and any other official document in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the Consul; but if the vessel to which they belong shall have sailed, and no opportunity for sending

them away should occur, they shall be kept in arrest, at the expense of the Consul, for two months; and if, at the expiration of that time, they should not have been sent away, they shall be set at liberty by the respective authorities, and cannot again be arrested for the same cause.

12. They may give such documents as may be necessary for the intercourse between the two countries, and countersign those which may have been given by the authorities. They may also give bills of health, if necessary, to vessels sailing from the port where the Consul resides to the ports of the nation to which he belongs; they may also certify invoices, muster-rolls, and other papers necessary for the commerce and navigation of vessels. Verification and custody of papers.

13. They may appoint a Chancellor or Secretary whensoever the consulate has none and one is required for authenticating documents. Appointment of secretary.

14. They may appoint commercial agents to employ all the means in their power, in behalf of individuals of the nation in whose service the Consul is, and for executing the commissions which the Consul may think proper to intrust to them, out of the place of his residence; provided, however, that such agents are not to enjoy the prerogatives conceded to Consuls, but only those which are peculiar to commercial agents. Appointment of commercial agents.

ARTICLE IV.

The Consuls of one of the contracting Republics residing in another country may employ their good offices in favor of individuals of the other Republic which has no Consul in that country.

ARTICLE V.

The contracting Republics recognize no diplomatic character in Consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character; but, in order that the said Consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives: Consuls not charged with diplomatic functions.

1. The archives and papers of the consulate shall be inviolable, and cannot be seized by any functionary of the country in which they may be. Consular archives.

2. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the State in whose territory they reside.

3. The Consuls and their chancellors or secretaries shall be exempt from all public service, and from contributions, personal and extraordinary, imposed in the country where they reside. This exemption does not comprehend the Consuls or their chancellors or secretaries who may be natives of the country in which they reside. Evidence of Consuls in courts of justice.

4. Whenever the presence of Consuls may be required in courts or offices of justice, they shall be summoned in writing.

5. In order that the dwellings of Consuls may be easily and generally known, for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coat-of-arms of the nation in whose service the Consul may be, with an inscription expressing the functions discharged by him; but those insignia shall not be considered as importing a right of asylum, nor as placing the house or its inhabitants beyond the authority of the magistrates who may think proper to search them, and Arms and flags.

who shall have that right in regard to them in the same manner as with regard to the houses of the other inhabitants, in the cases prescribed by the laws.

ARTICLE VI.

The persons and dwellings of Consuls shall be subject to the laws and authorities of the country in all cases in which they have not received a special exemption by this convention, and in the same manner as the other inhabitants.

ARTICLE VII.

Passports.

Consuls shall not give passports to any individual of their nation or going to their nation who may be held to answer before any authority, court or judge of the country for delinquencies committed by them, or for a demand which may have been legally acknowledged; provided that in each case proper notice thereof shall have been given to the Consul; and they shall see that the vessels of their nation do not infringe the rules of neutrality when the nation in which the Consul resides is at war with another nation.

ARTICLE VIII.

Ratifications.

The present convention shall be ratified by the Governments of the two contracting Republics, and the ratifications shall be exchanged at Bogota within the term of eighteen months, counted from this date, or sooner if possible.

ARTICLE IX.

Duration of treaty.

The present convention shall be binding upon the contracting parties so long as the treaty of peace, friendship, navigation and commerce between the United States and New Granada, the ratifications of which were exchanged at Washington, on the tenth of June, one thousand eight hundred and forty-eight, shall remain in force.

In faith whereof we, the Plenipotentiaries of the United States and of New Granada, have signed the present, and have affixed to it our respective seals at Washington, the fourth day of May, in the year of our Lord one thousand eight hundred and fifty.

[SEAL.] JOHN M. CLAYTON.
[SEAL.] RAFAEL RIVAS.

1857.

CONVENTION CONCERNING THE ADJUSTMENT OF CLAIMS AGAINST THE REPUBLIC OF NEW GRANADA.

Concluded September 10, 1857; *Ratification exchanged at Washington, November* 5, 1860; *Proclaimed November* 8, 1860.

The United States of America and the Republic of New Granada, desiring to adjust the claims of citizens of said States against New Granada, and to cement the good understanding which happily subsists between

e two Republics, have, for that purpose, appointed and conferred full
wers, respectively, to wit:
The President of the United States upon Lewis Cass, Secretary of
tate of the United States, and the President of New
ranada upon General Pedro A. Herran, Envoy Extraor- Negotiators.
nary and Minister Plenipotentiary of that Republic in the United
tates;
Who, after exchanging their full powers, which were found in good
id proper form, have agreed to the following articles:

ARTICLE I.

All claims on the part of corporations, companies or individuals, citi-
ens of the United States, upon the Government of New Gra-
ada, which shall have been presented prior to the first day Definition of the claims to be considered.
f September, 1859, either to the Department of State at
Washington, or to the minister of the United States at Bogota, and
specially those for damages which were caused by the riot at Panama
n the fifteenth of April, 1856, for which the said Government of New
ranada acknowledges its liability, arising out of its privilege and obli-
ation to preserve peace and good order along the transit route, shall be
eferred to a Board of Commissioners, consisting of two members, one
f whom shall be appointed by the Government of the United States and
ne by the Government of New Granada. In case of the death, absence
r incapacity of either Commissioner, or in the event of either Commis-
ioner omitting or ceasing to act, the Government of the United States,
r that of New Granada, respectively, or the Minister of the latter in the
Inited States, acting by its direction, shall forthwith proceed to fill the
acancy thus occasioned.
The Commissioners so named shall meet in the city of Washington
ithin ninety days from the exchange of the ratifications of Time for meeting of Commissioners.
his convention, and, before proceeding to business, shall
ake and subscribe a solemn oath that they will carefully examine and
npartially decide, according to justice and equity, upon all the claims
id before them, under the provisions of this convention, by the Govern-
ent of the United States. And such oath shall be entered on the
ecord of their proceedings.
The Commissioners shall then proceed to name an Arbitrator or Umpire,
decide upon any case or cases on which they may differ Appointment of an arbitrator.
n opinion. And if they cannot agree in the selection, the
Umpire shall be appointed by the Minister of Prussia to the United States,
hom the two high contracting parties shall invite to make such appoint-
ent, and whose selection shall be conclusive on both parties.

ARTICLE II.

The Arbitrator being appointed, the Commissioners shall proceed to
xamine and determine the claims which may be presented Duties of Commissioners.
them, under the provisions of this convention, by the Gov-
rnment of the United States, together with the evidence submitted in
pport of them, and shall hear, if required, one person in behalf of each
overnment on every separate claim. Each Government shall furnish,
pon request of either of the commissioners, such papers in its posses-
on as the Commissioners may deem important to the just determination
f any claims presented to them. In cases where they agree to award
n indemnity, they shall determine the amount to be paid, having due
egard, in claims which have grown out of the riot of Panama of April

15, 1856, to damages suffered through death, wounds, robberies o destruction of property. In cases where they cannot agree, the subjec of difference shall be referred to the Umpire, before whom each of th Commissioners may be heard, and whose decision shall be final.

ARTICLE III.

Certificates of award.

The Commissioners shall issue certificates of the sums to be paid b virtue of their awards to the claimants, and the aggregat amount of said sums shall be paid to the Government o the United States, at Washington, in equal semi-annual payments, th first payment to be made six months from the termination of the Com mission, and the whole payment to be completed within eight years fro the same date; and each of said sums shall bear interest (also payabl semi-annually) at the rate of six per cent. per annum from the day o which the awards, respectively, shall have been decreed. To meet thes payments, the Government of New Granada hereby specially appropr ates one-half of the compensation which may accrue to it from the Panam Railroad Company, in lieu of postages, by virtue of the thirtieth articl of the contract between the Republic of New Granada and said Company made April 15, 1850, and approved June 4, 1850, and also one-half of th dividends which it may receive from the net profits of said road, as pro vided in the fifty-fifth article of the same contract; but if these fund should prove insufficient to make the payments as above stipulated New Granada will provide other means for that purpose.

ARTICLE IV.

Duration of Commission.

The Commission herein provided shall terminate its labors in nin months from and including the day of its organization; shal keep an accurate record of its proceedings, and may appoin a secretary to assist in the transaction of its business.

ARTICLE V.

Decisions to be final.

The proceedings of this Commission shall be final and conclusive witl respect to all the claims before it, and its awards shall be full discharge to New Granada of all claims of citizens of th United States against that Republic which may have accrued prior t the signature of this convention.

ARTICLE VI.

Expenses.

Each Government shall pay its own Commissioner, but the Umpire, a well as the incidental expenses of the Commission, shall b paid, one-half by the United States, and the other half b New Granada.

ARTICLE VII.

Ratifications.

The present Convention shall be ratified, and the ratifica- tions exchanged in Washington.

In faith whereof, we, the respective Plenipotentiaries, have signed thi convention, and have hereunto affixed our seals.

Done at Washington, this tenth day of September, in the year of ou Lord one thousand eight hundred and fifty-seven.

[SEAL.] LEW. CASS.
[SEAL.] P. A. HERRAN.

1864.

CONVENTION CONCERNING THE ADJUSTMENT OF CLAIMS AGAINST THE UNITED STATES OF COLOMBIA; SUPPLEMENTAL TO THE CONVENTION OF SEPTEMBER 10, 1857.

Concluded February 10, 1864; *Ratifications exchanged at Washington August* 19, 1865; *Proclaimed August* 19, 1865.

Whereas a Convention for the adjustment of claims was concluded between the United States of America and the Republic of New Granada, in the city of Washington, on the tenth of September, 1857, which convention, as afterward amended by the contracting parties, was proclaimed by the President of the United States on the 8th November, 1860;

And whereas the Joint Commission organized under the authority conferred by the preceding mentioned convention did fail, by reason of uncontrollable circumstances, to decide all the claims laid before them under its provisions, within the time to which their proceedings were limited by the 4th article thereof;

The United States of America and the United States of Colombia, the latter representing the late Republic of New Granada, are desirous that the time originally fixed for the duration of the commission should be so extended as to admit the examination and adjustment of such claims as were presented to but not settled by the joint commission aforesaid, and to this end have named Plenipotentiaries to agree upon the best mode of accomplishing this object, that is to say: The President of the United States of America, William H. Seward, Secretary of State of the United States of America, and the President of the United States of Colombia, Señor Manuel Murillo, Envoy Extraordinary and Minister Plenipotentiary of the United States of Colombia; Negotiators.

Who, having exchanged their full powers, have agreed as follows:

ARTICLE I.

The high contracting parties agree that the time limited in the convention above referred to for the termination of the commission, shall be extended for a period not exceeding nine months from the exchange of ratifications of this convention, it being agreed that nothing in this article contained shall in any other wise alter the provisions of the convention above referred to; and that the contracting parties shall appoint commissioners anew, and an umpire shall be chosen anew, in the manner and with the duties and powers respectively expressed in the said former convention. Extension of term of Commission.

ARTICLE II.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible. Ratifications.

In witness whereof the respective Plenipotentiaries have signed the same, and have hereunto affixed their seals.

Done at Washington this tenth day of February, in the year of our Lord one thousand eight hundred and sixty-four.

[SEAL.] WM. H. SEWARD.
[SEAL.] M. MURILLO.

CONGO.

1884.

DECLARATION AS TO THE INTENTION OF THE INTERNATIONAL ASSOC ATION OF THE CONGO AND THE RECOGNITION OF ITS FLAG BY TH UNITED STATES, SIGNED APRIL 22, 1884.

Declaration by the International Association of the Congo.

The International Association of the Congo, hereby declares that h Treaties with the legitimate sovereigns in the basins of the Congo an of the Niadi-Kiahm and in adjacent territories upon the Atlantic, the has been ceded to it, territory for the use and benefit of free States e tablished, and being established, under the care and supervision of th said Association in the said basins and adjacent territories, to whic cession the said free States of right succeed.

That the said International Association has adopted for itself and f the said Free States, as their standard, the flag of the Internation African Association, being a blue flag with a golden star in the cente

That the said Association and the said States have resolved to lev no Custom-House duties upon goods or articles of merchandise importe into their territories or brought by the route which has been constructe around the Congo cataracts; this they have done with a view of enablin commerce to penetrate into Equatorial Africa.

That they guarantee to foreigners settling in their territories the rig to purchase, sell or lease, lands and buildings situated therein, to esta lish commercial houses and to there carry on trade upon the sole cond tion that they shall obey the laws. They pledge themselves, moreove never to grant to the citizens of one nation any advantages without im mediately extending the same to the citizens of all other nations, an to do all in their power to prevent the Slave-trade.

In testimony whereof, Henry S. Sanford, duly empowered therefo by the said Association, acting for itself and for the said Free State has hereunto set his hand and affixed his seal, this twenty-second day April, 1884, in the city of Washington.

[SEAL.]

H. S. SANFORD.

Recognition of the flag by the United States.

Frederick T. Frelinghuysen, Secretary of State, duly empowere therefor by the President of the United States of America, and purs ant to the advice and consent of the Senate, heretofore given, acknow edges the receipt of the foregoing notification from the Internation

Association of the Congo, and declares that, in harmony with the traditional policy of the United States, which enjoins a proper regard for the commercial interests of their citizens while, at the same time, avoiding interference with controversies between other powers as well as alliances with foreign nations, the Government of the United States announces its sympathy with, and approval of, the humane and benevolent purposes of the International Association of the Congo, administering, as it does, the interests of the Free States there established, and will order the officers of the United States, both on land and sea, to recognize the flag of the International African Association, as the flag of a friendly Government.

In testimony whereof, he has hereunto set his hand and affixed his seal, this twenty-second day of April, A. D., 1884, in the city of Washington.

[SEAL.]

FREDK. T. FRELINGHUYSEN.

COREA.

1882.

TREATY OF PEACE, AMITY, COMMERCE AND NAVIGATION.

Concluded May 22, 1882; *Ratifications exchanged at Séonl, May* 19, 1883; *Proclaimed June* 4, 1883.

The United States of America and the Kingdom of Chosen, being sincerely desirous of establishing permanent relations of amity and friendship between their respective peoples, have to this end appointed—that is to say, the President of the United States, R. W. Shufeldt, Commodore, U. S. Navy, as his Commissioner Plenipotentiary; and His Majesty, the King of Chosen, Shin-Chen, President of the Royal Cabinet; Chin-Hong-Chi, Member of the Royal Cabinet, as his Commissioners Plenipotentiary, who, having reciprocally examined their respective full powers, which have been found to be in due form, have agreed upon the several following articles:

Negotiators.

ARTICLE I.

There shall be perpetual peace and friendship between the President of the United States and the King of Chosen and the citizens and subjects of their respective Governments.

Declaration of amity.

If other Powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings.

ARTICLE II.

After the conclusion of this Treaty of amity and commerce, the High Contracting Powers may each appoint Diplomatic Representatives to reside at the Court of the other, and may each appoint Consular Representatives at the ports of the other, which are open to foreign commerce, at their own convenince.

Liberty to appoint diplomatic and consular representatives.

These officials shall have relations with the corresponding local authorities of equal rank upon a basis of mutual equality. The Diplomatic and Consular Representatives of the two Governments shall receive mutually all the privileges, rights and immunities, without discrimination, which are accorded to the same classes of Representatives from the most favored nation.

Most favored nation.

Consuls shall exercise their functions only on receipt of an exequatur from the Government, to which they are accredited. Consular authorities shall be *bona fide* officials. No merchants shall be permitted to exercise the duties of the office, nor shall Consular officers be allowed to engage in trade. At ports to which no Consular

Consuls.

Representatives have been appointed, the Consuls of other Powers may be invited to act, provided, that no merchant shall be allowed to assume Consular functions, or the provisions of this treaty may, in such case, be enforced by the local authorities.

If Consular Representatives of the United States in Chosen conduct their business in an improper manner, their exequaturs may be revoked, subject to the approval, previously obtained, of the Diplomatic Representative of the United States. Revocation of Consuls' exequaturs

ARTICLE III.

Whenever United States vessels, either because of stress of weather or by want of fuel or provisions, cannot reach the nearest open port in Chosen, they may enter any port or harbor, either to take refuge therein, or to get supplies of wood, coal and other necessaries, or to make repairs, the expenses incurred thereby being defrayed by the ship's master. In such event the officers and people of the locality shall display their sympathy by rendering full assistance, and their liberality by furnishing the necessities required. Asylum granted vessels of the United States.

If a United States vessel carries on a clandestine trade at a port not open to foreign commerce, such vessel, with her cargo, shall be seized and confiscated. Clandestine trade.

If a United States vessel be wrecked on the coast of Chosen, the local authorities, on being informed of the occurrence, shall immediately render assistance to the crew, provide for their present necessities, and take the measures necessary for the salvage of the ship and the preservation of her cargo. They shall also bring the matter to the knoweledge of the nearest consular representative of the the United States, in order that steps may be taken to send the crew home and to save the ship and cargo. The necessary expenses shall be defrayed either by the ship's master or by the United States. Shipwrecks.

ARTICLE IV.

All citizens of the United States of America in Chosen, peaceably attending to their own affairs, shall receive and enjoy for themselves and everything appertaining to them, the protection of the local authorities of the Government of Chosen, who shall defend them from all insult and injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries or other violent or lawless persons, the local officers, on requisition of the consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law. Protection of citizens of the United States.

Subjects of Chosen, guilty of any criminal act towards citizens of the United states, shall be punished by the authorities of Chosen, according to the laws of Chosen; and citizens of the United States, either on shore or in any merchant-vessel, who may insult, trouble or wound the persons, or injure the property of the people of Chosen, shall be arrested and punished only by the consul or other public functionary of the United States, thereto authorized, according to the laws of the United States. Punishment for offences against citizens of either power.

When controversies arise in the Kingdom of Chosen between citizens of the United States and subjects of His Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the two Governments of the United States and Chosen, that such cases shall be tried by the proper Extraterritorial jurisdiction granted the United States in trial of their citizens.

official of the nationality of the defendant, according to the laws of that nation. The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial, and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interest of justice. If he so desires, he shall have the right to present, to examine and to cross-examine witnesses. If he is dissatified with the proceedings, he shall be permitted to protest against them in detail.

It is however mutually agreed and understood between the high contracting powers, that whenever the King of Chosen shall have so far modified and reformed the statutes and judicial procedure of his kingdom that, in the judgment of the United States, they conform to the laws and course of justice in the United States, the right of exterritorial jurisdiction over United States citizens in Chosen shall be abandoned, and thereafter United States citizens, when within the limits of the Kingdom of Chosen, shall be subject to the jurisdiction of the native authorities.

ARTICLE V.

Duties and tonnage dues.

Merchants and merchant vessels of Chosen visiting the United States for purposes of traffic, shall pay duties and tonnage-dues and all fees according to the Customs-Regulations of the United States, but no higher or other rates of duties and tonnage-dues shall be exacted of them, than are levied upon citizens of the United States or upon citizens or subjects of the most favored nation.

Duties on imports into Corea.

Merchants and merchant vessels of the United States visiting Chosen for purposes of traffic, shall pay duties upon all merchandise imported and exported. The authority to levy duties is of right vested in the Government of Chosen. The tariff of duties upon exports and imports, together with the Customs-Regulations for the prevention of smuggling and other irregularities, will be fixed by the authorities of Chosen and communicated to the proper officials of the United States, to be by the latter notified to their citizens and duly observed.

Tariff.

It is however agreed in the first instance as a general measure, that the tariff upon such imports as are articles of daily use shall not exceed an ad valorem duty of ten per centum; that the tariff upon such imports as are luxuries, as for instance foreign wines, foreign tobacco, clocks and watches, shall not exceed an ad valorem duty of thirty per centum, and that native produce exported shall pay a duty not to exceed five per centum ad valorem. And it is further agreed that the duty upon foreign imports shall be paid once for all at the port of entry, and that no other dues, duties, fees, taxes or charges of any sort shall be levied upon such imports either in the interior of Chosen or at the ports.

United States merchant-vessels entering the ports of Chosen shall pay tonnage-dues at the rate of five mace per ton, payable once in three months on each vessel, according to the Chinese calendar.

ARTICLE VI.

Rights of citizens of one nation in territory of the other in business affairs.

Subjects of Chosen who may visit the United States shall be permitted to reside and to rent premises, purchase land, or to construct residences or warehouses in all parts of the country. They shall be freely permitted to pursue their various callings and avocations, and to traffic in all merchandise, raw and manufactured, that is not declared contraband by law. Citizens of the United

States who may resort to the ports of Chosen which are open to foreign commerce, shall be permitted to reside at such open ports within the limits of the concessions and to lease buildings or land, or to construct residences or warehouses therein. They shall be freely permitted to pursue their various callings and avocations within the limits of the port, and to traffic in all merchandise, raw and manufactured, that is not declared contraband by law.

No coercion or intimidation in the acquisition of land or buildings shall be permitted, and the land rent as fixed by the authorities of Chosen shall be paid. And it is expressly agreed that land so acquired in the open ports of Chosen still remains an integral part of the Kingdom, and that all rights of jurisdiction over persons and property within such areas remain vested in the authorities of Chosen, except in so far as such rights have been expressly relinquished by this treaty.

American citizens are not permitted either to transport foreign imports to the interior for sale, or to proceed thither to purchase native produce. Nor are they permitted to transport native produce from one open port to another open port.

Imports not to be transported to the interior of Corea for sale.

Violations of this rule will subject such merchandise to confiscation, and the merchant offending will be handed over to the consular authorities to be dealt with.

ARTICLE VII.

The Governments of the United States and of Chosen mutually agree and undertake that subjects of Chosen shall not be permitted to import opium into any of the ports of the United States, and citizens of the United States shall not be permitted to import opium into any of the open ports of Chosen, to transport it from one open port to another open port, or to traffic in it in Chosen. This absolute prohibition which extends to vessels owned by the citizens or subjects of either power, to foreign vessels employed by them, and to vessels owned by the citizens or subjects of either Power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of the United States and of Chosen, and offenders against it shall be severely punished.

Importation of opium prohibited.

ARTICLE VIII.

Whenever the Government of Chosen shall have reason to apprehend a scarcity of food within the limits of the Kingdom, His Majesty may by decree temporarily prohibit the export of all breadstuffs, and such decree shall be binding on all citizens of the United States in Chosen upon due notice having been given them by the authorities of Chosen through the proper officers of the United States; but it is to be understood that the exportation of rice and breadstuffs of every description is prohibited from the open port of Yin-Chuen.

Export of breadstuffs from Corea prohibited.

Chosen having of old prohibited the exportation of red ginseng, if citizens of the United States clandestinely purchase it for export, it shall be confiscated and the offenders punished.

Export of red ginseng prohibited.

ARTICLE IX.

Purchase of cannon, small arms, swords, gunpowder, shot and all munitions of war is permitted only to officials of the Government of Chosen, and they may be imported by citizens of United States only under a written permit from the authorities of Chosen. If these articles are clandestinely imported, they shall be confiscated and the offending party shall be punished.

Importation of munitions of war restricted.

ARTICLE X.

Employment of natives.

The officers and people of either nation residing in the other, shall have the right to employ natives for all kinds of lawful work.

Asylum not to be granted Corean criminals.

Should, however, subjects of Chosen, guilty of violation of the laws of the Kingdom, or against whom any action has been brought, conceal themselves in the residences or warehouses of United States citizens, or on board United States merchant vessels, the consular authorities of the United States, on being notified of the fact by the local authorities, will either permit the latter to despatch constables to make the arrests, or the persons will be arrested by the consular authorities and handed over to the local constables.

Officials or citizens of the United States shall not harbor such persons.

ARTICLE XI.

Students of one nation studying in the other.

Students of either nationality, who may proceed to the country of the other, in order to study the language, literature, laws or arts, shall be given all possible protection and assistance in evidence of cordial good will.

ARTICLE XII.

Duration of treaty.

This being the first treaty negotiated by Chosen, and hence being general and incomplete in its provisions, shall in the first instance be put into operation in all things stipulated herein. As to stipulations not contained herein, after an interval of five years, when the officers and the people of the two Powers shall have become more familiar with each others language, a further negotiation of commercial provisions and regulations in detail, in conformity with international law and without unequal discriminations on either part shall be had.

Further negotiation of commercial provisions.

ARTICLE XIII.

Languages to be used in official correspondence.

This Treaty and future official correspondence between the two contracting Governments shall be made, on the part of Chosen, in the Chinese language.

The United States shall either use the Chinese language, or, if English be used, it shall be accompanied with a Chinese version in order to avoid misunderstanding.

ARTICLE XIV.

Most favored nation.

The High Contracting Powers hereby agree that, should at any time the King of Chosen grant to any nation or to the merchants or citizens of any nation, any right, privilege or favor, connected either with navigation, commerce, political or other intercourse, which is not conferred by this Treaty, such right, privilege and favor shall freely inure to the benefit of the United States, its public officers, merchants and citizens, provided always, that whenever such right, privilege or favor is accompanied by any condition, or equivalent concession granted by the other nation interested, the United States, its officers and people shall only be entitled to the benefit of such right,

privilege or favor upon complying with the conditions or concessions connected therewith.

In faith whereof the respective Commissioners Plenipotentiary have signed and sealed the foregoing at Yin-Chuen in English and Chinese, being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Yin-Chuen within one year from the date of its execution, and immediately thereafter this Treaty shall be in all its provisions publicly proclaimed and made known by both Governments in their respective countries, in order that it may be obeyed by their citizens and subjects respectively. Ratifications.

Chosen, May the 22nd, A. D. 1882.

[SEAL.] R. W. SHUFELDT,
Commodore, U. S. N., Envoy of the U. S. to Chosen.

[SEAL.] SHIN CHEN,
CHIN HONG CHI, } [*In Chinese.*]

COSTA RICA.

1851.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION.

Concluded July 10, 1851; *Ratifications exchanged at Washington May* 26, 1852; *Proclaimed on the same day.*

In the name of the Most Holy Trinity.

Commercial intercourse having been for some time established between the United States and the Republic of Costa Rica, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the United States and the said Republic, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signature of a treaty of amity, commerce and navigation. For this purpose they have named their respective plenipotentiaries, that is to say:

Negotiators.

The President of the United States, Daniel Webster, Secretary of State, and his Excellency the President of the Republic of Costa Rica, Señor Don Felipe Molina, Envoy Extraordinary and Minister Plenipotentiary of that Republic to the United States;

Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

Declaration of amity.

There shall be perpetual amity between the United States and their citizens on the one part, and the Government of the Republic of Costa Rica and its citizens on the other.

ARTICLE II.

Freedom of commerce and navigation.

There shall be, between all the territories of the United States and the territories of the Republic of Costa Rica a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports and rivers in the territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce; subject always to the laws and statutes of the two countries respectively.

In like manner, the respective ships of war and post-office packets of

he two countries shall have liberty, freely and securely, to come to all arbors, rivers and places to which other foreign ships of war and ackets are or may be permitted to come, to enter into the same, to nchor, and to remain there and refit; subject always to the laws and tatutes of the two countries respectively.

By the right of entering the places, ports and rivers mentioned in his article, the privilege of carrying on the coasting trade s not understood; in which trade, national vessels only of he country where the trade is carried on are permitted to engage. Coasting trade.

Article III.

It being the intention of the two high contracting parties to bind hemselves, by the preceding articles, to treat each other n the footing of the most favored nation, it is hereby greed between them, that any favor, privilege or immunity whatever, in matters of commerce and navigation, which either contracting arty has actually granted, or may hereafter grant, to the subjects or itizens of any other state, shall be extended to the subjects or citizens f the other high contracting party, gratuitously, if the concession in avor of that other nation shall have been gratuitous; or in return for ompensation as nearly as possible of proportionate value and effect, to e adjusted by mutual agreement, if the concessions shall have been onditional. Most favored nation.

Article IV.

No higher or other duties shall be imposed on the importation into he territories of the United States of any article being of he growth, produce or manufacture of the Republic of Costa Rica, and no higher or other duties shall be imposed on the importation into the territories of the Republic of Costa Rica, of any articles being the growth, produce or manufacture of the territories of the United States, than are or shall be payable on the like articles, being the growth, produce or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties, on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles the growth, produce or manufacture of the territories of the United States, or of the Republic of Costa Rica, to or from the said territories of the United States, or to or from the Republic of Costa Rica, which shall not equally extend to all other nations. No discrimination in duties on imports into the United States.

Article V.

No higher nor other duties or payments on account of tonnage, of light or harbor-dues, of pilotage, of salvage, in case either of damage or shipwreck, or on account of any other local charges, shall be imposed in any of the ports of the Republic of Costa Rica, on vessels of the United States, than those payable in the same ports by Costa Rican vessels; nor in any of the ports of the United States, on Costa Rican vessels, than shall be payable in the same ports on vessels of the United States. Tonnage duties.

ARTICLE VI.

No discrimination in duties on imports into Costa Rica.

The same duties shall be paid on the importation into the territories of the Republic of Costa Rica of any article being of the growth, produce or manufacture of the territories of the United States, whether such importation shall be made in Costa Rican, or in vessels of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being the growth, produce or manufacture of the Republic of Costa Rica, whether such importation shall be made in the United States or in Costa Rican vessels.

The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Costa Rica of any articles being the growth, produce or manufacture of the territories of the United States, whether such exportations shall be made in Costa Rican or in United States vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles being the growth, produce or manufacture of the Republic of Costa Rica to the territories of the United States, whether such exportation shall be made in United States or in Costa Rican vessels.

ARTICLE VII.

Privileges of citizens of one nation in territory of the other.

All merchants, commanders of ships and others, citizens of the United States, shall have full liberty, in all the territories of the Republic of Costa Rica, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Costa Ricans, nor to pay them any other salary or remuneration than such as is paid in like cases by Costa Rican citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares or merchandise imported into or exported from the Republic of Costa Rica, as they shall see good, observing the laws and established customs of the country. The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Costa Rica under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all cases, the advocates, attorneys, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandise, goods and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament or in any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties and rights as native citizens,

d they shall not be charged in any of these respects with any higher posts or duties than those which are paid or may be paid by native izens; submitting, of course, to the local laws and regulations of ch country respectively.

If any citizen of either of the two high contracting parties shall die thout will or testament in any of the territories of the her, the Consul General or Consul of the nation to which e deceased belonged, or the representative of such Consul eneral or Consul in his absence, shall have the right to nominate cur- ors to take charge of the property of the deceased, so far as the laws the country will permit, for the benefit of the lawful heirs and cred- ors of the deceased, giving proper notice of such nomination to the thorities of the country.

Death of citizens of one nation in territory of the other.

ARTICLE IX.

The citizens of the United States residing in the Republic of Costa ica, and the citizens of the Republic of Costa Rica resid- g in the United States, shall be exempted from all com- ulsory military service whatsoever, either by sea or by nd, and from all forced loans or military exactions or requisitions; and ey shall not be compelled, under any pretext whatsoever, to pay other dinary charges, requisitions, or taxes greater than those that are paid y native citizens of the contracting parties respectively.

Exemption from military service and forced loans.

ARTICLE X.

It shall be free for each of the two high contracting parties to appoint onsuls for the protection of trade, to reside in any of the rritories of the other party; but before any Consul shall et as such, he shall, in the usual form, be approved and dmitted by the Government to which he is sent; and either of the high ntracting parties may except from the residence of Consuls such par- cular places as they judge fit to be excepted. The Costa Rican iplomatic agents and Consuls shall enjoy in the territories of the nited States whatever privileges, exemptions and immunities are or hall be granted to agents of the same rank belonging to the most avored nation; and, in like manner, the diplomatic agents and Consuls f the United States in the Costa Rican territories shall enjoy, accord- ng to the strictest reciprocity, whatever privileges, exemptions and mmunities are or may begranted in the Republic of Costa Rica to the iplomatic agents and Consuls of the most favored nation.

Liberty to appoint Consuls and diplomatic agents.

ARTICLE XI.

For the better security of commerce between the citizens of the nited States and the citizens of the Republic of Costa ica, it is agreed, that if at any time any interruption of riendly intercourse, or any rupture should unfortunately ake place between the two high contracting parties, the citizens of either f the two high contracting parties who may be within any of the ter- itories of the other, shall, if residing upon the coast, be allowed six months, and if in the interior, a whole year to wind up their accounts and dispose of their property; and a safe-conduct shall be given them to embark at the port which they themselves shall select; and even in the event of a rupture, all such citizens of either of the two high contract- ing parties who are established in any of the territories of the other, in the exercise of any trade or special employment, shall have the privi-

Treatment of citizens of one nation in territory of the other in time of war.

lege of remaining and of continuing such trade and employment therein without any manner of interruption, in the full enjoyment of their liberty and property, as long as they behave peaceably, and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case, debts between individuals, property in public funds, and shares of companies, shall never be confiscated, sequestered nor detained.

ARTICLE XII.

Protection of citizens of one nation domiciled in the other.

The citizens of the United States and the citizens of the Republic of Costa Rica, respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons and properties the protection of the Government, and shall continue in possession of the guarantees which they now enjoy. They

Religious freedom.

shall not be disturbed, molested, or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, either within their own private houses or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories of the two high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country. Liberty shall also be granted to bury the citizens of

Rights of burial.

either of the two high contracting parties who may die in the territories aforesaid, in burial-places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

ARTICLE XIII.

Duration of Articles IV., V. and VI.

In order that the two high contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective citizens, it is agreed that, at any time after the expiration of seven years from the date of the exchange of the ratifications of the present treaty, either of the high contracting parties shall have the right of giving to the other party notice of its intention to terminate Articles IV., V. and VI., of the present treaty; and that, at the expiration of twelve months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein, shall cease to be binding on the two high contracting parties.

ARTICLE XIV.

Ratifications.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington or at San José de Costa Rica, within the space of one year, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their respective seals.

Done at Washington this tenth day of July, in the year of our Lord one thousand eight hundred and fifty-one.

[SEAL.] DAN'L WEBSTER.
[SEAL.] F. MOLINA.

1860.

CONVENTION CONCERNING THE ADJUSTMENT OF CLAIMS OF CITIZENS OF THE UNITED STATES.

Concluded July 2, 1860; *Ratifications exchanged at Washington November* 9, 1861; *Proclaimed November* 11, 1861.

The United States of America and the Republic of Costa Rica, desiring to adjust the claims of citizens of said States against Costa Rica in such a manner as to cement the good understanding and friendly relations now happily subsisting between the two Republics, have resolved to settle such claims by means of a convention; and, for that purpose, appointed and conferred full powers, respectively, to wit:

Negotiators.

The President of the United States, on Alexander Dimitry, Minister Resident of said United States in the Republic of Costa Rica, and his Excellency the Constitutional President of said Republic of Costa Rica, on Manuel José Carazo and Francisco María Yglesias; who, upon an exchange of their plenary powers, which were found in good and proper form, have agreed to the following articles:

ARTICLE I.

Adjudication of claims of citizens of the United States.

It is agreed that all claims of citizens of the United States, upon the Government of Costa Rica, arising from injuries to their persons, or damages to their property, under any form whatsoever, through the action of authorities of the Republic of Costa Rica, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State at Washington, or to the diplomatic agents of said United States at San José, of Costa Rica, up to the date of the signature of this Convention, shall, together with the documents in proof, on which they may be founded, be referred to a Board of Commissioners, consisting of two members, who shall be appointed in the following manner: one by the Government of the United States of America, and one by the Government of the Republic of Costa Rica: *Provided, however*, That no claim of any citizen of the United States, who may be proved to have been a belligerent during the occupation of Nicaragua by the troops of Costa Rica, or the exercise of authority, by the latter, within the territory of the former, shall be considered as one proper for the action of the Board of Commissioners herein provided for.

How vacancies in Commission are to be filled.

In case of the death, absence, or incapacity of either Commissioner, or in the event of either Commissioner's omitting or ceasing to act, the Government of the United States of America, or that of the Republic of Costa Rica, respectively, or the minister of the latter, in the United States, acting by its direction, shall forthwith proceed to fill the vacancy thus occasioned.

ARTICLE II.

Place and time of meeting of Commissioners.

The Commissioners so named shall meet at the city of Washington, within ninety days from the exchange of the ratifications of this convention; and, before proceeding to business, they shall, each of them, exhibit a solemn oath, made and subscribed before a competent authority, that they will carefully examine into, and impartially decide, according to the principles of justice and of equity, and to the stipulations of treaty, upon all the claims laid before

them, under the provisions of this Convention, by the Government
the United States, and in accordance with such evidence as shall
submitted to them on the part of said United States and of the Repu
lic of Costa Rica, respectively. And their oath, to such effect, shall
entered upon the record of their proceedings.

Said Commissioners shall then proceed to name an Arbitrator, or Um
pire, to decide upon any case or cases concerning which they may di
agree, or upon any point or points of difference which may arise in th
course of their proceedings. And if they cannot agree in the selectio
the Arbitrator or Umpire shall be appointed by the minister of His M
jesty the King of the Belgians, to the United States, whom the two hig
contracting parties shall invite to make such appointment, and who
selection shall be conclusive on both parties.

ARTICLE III.

Mode of procedure of Commissioners.

The Arbitrator, or Umpire, being appointed, the Commissioners sha
without delay, proceed to examine and determine the clair
which may be presented to them, under the provisions
this Convention, by the Government of the United States, as stated
the preceding article; and they shall hear, if required, one person
behalf of each Government, on every separate claim.

Papers concerning claims to be furnished by each government.

Each Government shall furnish, upon request of either of the co
missioners, such papers in its possession as may be deem
important to the just determination of any claims of citize
of the United States, referred to the board, under the pr
visions of the first article.

Commissioners to determine indemnity to be awarded.

In cases, whether touching injuries to the person, limb or life of a
said citizens, or damages committed, as stipulated in the fi
article, against their property, in which the Commissione
may agree to award an indemnity, they shall determine t
amount to be paid. In cases in which said Commissioners cannot agr
the points of difference shall be referred to the Arbitrator, or Umpi
before whom each of the Commissioners may be heard, and his decisi
shall be final.

ARTICLE IV.

Mode of payment of indemnity to claimants.

The commissioners shall issue certificates of the sums to be paid
the claimants, respectively, whether by virtue of the awar
agreed to between themselves, or of those made by the
in pursuance of decisions of the Arbitrator, or Umpire; a
the aggregate amount of said sums, decreed by the certificates of awa
made by the Commissioners, in either manner above indicated, and
the sums also accruing from such certificates of award as the Arbitrat
or Umpire, may, under the authority hereinafter conferred by the seven
article, have made and issued, with the rate of interest stipulated
the present article, in favor of any claimant or claimants, shall be pa
to the Government of the United States, in the city of Washingt
in equal semi-annual instalments. It is, however, here
agreed, by the contracting parties, that the payment of t
first instalment shall be made eight months from the termination of t
labors of the commission; and, after such first payment, the second, a
each succeeding one, shall be made semi-annually, counting from t
date of the first payment; and the whole payment of such aggreg
amount or amounts, shall be perfected within the term of ten years fr

Time of payment of first instalment.

he termination of said commission; and each of said sums shall bear nterest (also payable semi-annually) at the rate of six per ent. per annum, from the day on which the awards, respectvely, will have been decreed. Interest to be paid on amount awarded.

To meet these payments, the Government of the Republic of Costa Rica hereby specially appropriates fifty per cent. of the net proceeds of the revenues arising from the customs of the said Republic; but if such appropriation should prove insufficient to make the payments as above stipulated, the Government of said Republic binds itself to provide other means for that purpose. Provision by Costa Rica to meet payments.

ARTICLE V.

The Commission herein provided shall terminate its labors in nine months from and including the day of its organization. They shall keep an accurate record of all their proceedings, and they may appoint a secretary, versed in the knowledge of the English and of the Spanish languages, to assist in the transaction of their business. And, for the conduct of such business, they are hereby authorized to make all necessary and lawful rules. Duration of Commission.

ARTICLE VI.

The proceedings of this Commission shall be final and conclusive with respect to all the claims of citizens of the United States, which, having accrued prior to the date of this convention, may be brought before it for adjustment; and the United States agree forever to release the Government of the Republic of Costa Rica from any further accountability for claims which shall be rejected, either by the board of Commissioners, or by the Arbitrator or Umpire aforesaid; or for such as, being allowed by either the Board or the Umpire, the Government of Costa Rica shall have provided for and satisfied in the manner agreed upon in the fourth article. Decision of Commission to be final.

ARTICLE VII.

In the event, however, that upon the termination of the labors of said Commission stipulated for in the fifth article of this convention, any case or cases should be pending before the Umpire, and awaiting his decision, it is hereby understood and agreed by the two contracting parties that, though the Board of Commissioners may, by such limitation, have terminated their action, said Umpire is hereby authorized and empowered to proceed to make his decision or award in such case or cases pending as aforesaid; and, upon his certificate thereof, in each case, transmitted to each of the two Governments, mentioning the amount of indemnity, if such shall have been allowed by him, together with the rate of interest specified by the fourth article, such decision or award shall be taken and held to be binding and conclusive, and it shall work the same effect as though it had been made by both the Commissioners under their own agreement, or by them upon decision of the case or of the cases, respectively, pronounced by the Umpire of said board, during the period prescribed for its sessions: *Provided, however*, That a decision on every case that may be pending at the termination of the labors of the board shall be given by the Umpire within sixty days from their final adjournment; and that, at the expiration of the said sixty days, the authority and power hereby granted to said Umpire shall cease. Provision for cases pending before Umpire at the termination of the Commission.

Umpire to render decisions within sixty days after termination of Commission.

ARTICLE VIII.

Each Government shall pay its own Commissioner; but the Umpire, well as the incidental expenses of the commission, includi
Expenses. the defrayal of the services of a secretary, who may appointed under the fifth article, shall be paid one-half by the Uni States, and the other half by the Republic of Costa Rica.

ARTICLE IX.

The present convention shall be approved and ratified by the Pre dent of the United States of America, by and with
Ratifications. advice and consent of the Senate of the said States; and the President of the Republic of Costa Rica, with the consent and app bation of the Supreme Legislative Power of said Republic; and ratifications shall be exchanged in the city of Washington, within space of eight months from the date of the signature hereof, or soo if possible.

In faith whereof, and by virtue of our respective full powers, we, undersigned, have signed the present convention, in duplicate, and ha hereunto affixed our seals.

Done at the city of San José, on the second day of July, in the y one thousand eight hundred and sixty, and in the eighty-fourth yea the independence of the United States of America, and of the indepe ence of Costa Rica the thirty-ninth.

[SEAL.] ALEX'R DIMITRY.
[SEAL.] MANUEL J. CARAZO.
[SEAL.] FRAN'CO M. YGLESIAS

DENMARK.

1826.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION.

Concluded April 26, 1826; *Ratifications exchanged at Copenhagen August* 10, 1826; *Proclaimed October* 14, 1826.

The United States of America and His Majesty the King of Denmark, being desirous to make firm and permanent the peace and friendship which happily prevail between the two nations, and to extend the commercial relations which subsist between their respective territories and people, have agreed to fix, in a manner clear and positive, the rules which shall in future be observed between the one and the other party, by means of a general convention of friendship, commerce and navigation. With that object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State; and His Majesty the King of Denmark has conferred like powers on Peter Pedersen, his Privy Counsellor of Legation and Minister Resident near the said States, Knight of the Dannebrog; who, after having exchanged their said full powers, found to be in due and proper form, have agreed to the following articles: Negotiators.

ARTICLE I.

The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession were freely made, or on allowing the same compensation, if the concession were conditional. Most favored nation.

ARTICLE II.

The contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other, (with the exception hereafter provided for in the sixth article,) and reside and trade there in all kinds of produce, manufactures and merchandise; and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens or subjects do or shall enjoy, submitting themselves to the laws, decrees and usages, there established, to which native citizens or subjects or subjected. But it is understood that this article does not Freedom of commerce and navigation.

include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE III.

No discrimination in tonnage duties.

They likewise agree that whatever kind of produce, manufacture or merchandise, of any foreign country, can be, from time to time, lawfully imported into the United States, in vessels belonging wholly to the citizens thereof, may be also imported in vessels wholly belonging to the subjects of Denmark; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufacture or merchandise, of any foreign country, can be, from time to time, lawfully imported into the dominions of the King of Denmark, in the vessels thereof, (with the exception hereafter mentioned in the sixth article,) may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree, that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of Denmark. Nor shall higher or other charges of any kind be imposed in the ports of one party, on vessels of the other, than are or shall be payable in the same ports by native vessels.

ARTICLE IV.

No discrimination in duties on imports and exports.

No higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominions of His Majesty the King of Denmark; and no higher or other duties shall be imposed on the importation into the said dominions of any article, the produce or manufacture of the United States, than are or shall be payable on the like articles, being the produce or manufacture of any other foreign country. Nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States, or to the dominions of His Majesty the King of Denmark, respectively, than such as are or may be payable on the exportation of the like articles to any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufacture of the United States, or of the dominions of his Majesty the King of Denmark, to or from the territories of the United States, or to or from the said dominions, which shall not equally extend to all other nations.

ARTICLE V.

Sound dues.

Neither the vessels of the United States nor their cargoes shall, when they pass the Sound or the Belts, pay higher or other duties than those which are or may be paid by the most favoured nation.

ARTICLE VI.

The present convention shall not apply to the northern possessions of His Majesty the King of Denmark—that is to say, Iceland, the Ferroe Islands, and Greenland—nor to places situated beyond the Cape of Good Hope; the right to regulate the direct intercourse with which possessions and places is reserved by the parties, respectively. And it is further agreed that this convention is not to extend to the direct trade between Denmark and the West India colonies of His Danish Majesty, but in the intercourse with those colonies it is agreed that whatever can be lawfully imported into or exported from the said colonies in vessels of one party from or to the ports of the United States, or from or to the ports of any other foreign country, may in like manner, and with the same duties and charges applicable to vessel and cargo, be imported into or exported from the said colonies in vessels of the other party.

This Convention does not extend to Danish colonies and dependences.

ARTICLE VII.

The United States and His Danish Majesty mutually agree that no higher or other duties, charges or taxes of any kind shall be levied in the territories or dominions of either party, upon any personal property, money or effects of their respective citizens or subjects, on the removal of the same from their territories or dominions reciprocally, either upon the inheritance of such property, money or effects, or otherwise, than are or shall be payable in each State upon the same, when removed by a citizen or subject of such State, respectively.

Privileges of citizens of one nation in territory of the other.

ARTICLE VIII.

To make more effectual the protection which the United States and His Danish Majesty shall afford in future to the navigation and commerce of their respective citizens and subjects, they agree mutually to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, privileges and immunities of the Consuls and Vice-Consuls of the most favoured nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

Liberty to appoint Consuls.

ARTICLE IX.

In order that the Consuls and Vice-Consuls of the contracting parties may enjoy the rights, privileges and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, which shall be granted gratis, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

Exequaturs.

ARTICLE X.

It is likewise agreed that the Consuls and persons attached to their necessary service, they not being natives of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts and contributions, except those which they shall be obliged to pay, on account of

Rights of Consuls, citizens of the States appointing them.

commerce, or their property, to which inhabitants, native and foreign, of the country in which such Consuls reside, are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XI.

Duration of Convention.

The present convention shall be in force for ten years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of ten years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either, from the other party, this convention, and all the provisions thereof, shall altogether cease and determine.

ARTICLE XII.

Ratifications.

This convention shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, and the ratifications shall be exchanged in the city of Copenhagen within eight months fromthe date of the signature hereof, or sooner if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America, and of His Danish Majesty, have signed and sealed these presents.

Done in triplicate, at the city of Washington, on the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and twenty-six, in the fiftieth year of the Independence of the United States of America.

[SEAL.] H. CLAY.
[SEAL.] PR. PEDERSEN.

ADDENDUM.

Addendum.

Mr. Clay to Mr. Pedersen.

DEPARTMENT OF STATE,
Washington, April 25, 1826.

The undersigned, Secretary of State of the United States, by direction of the President thereof, has the honor to state to Mr. Pedersen, Minister Resident of His Majesty the King of Denmark, that it would have been satisfactory to the Government of the United States if Mr. Pedersen had been charged with instructions, in the negotiation which has just terminated, to treat of the indemnities to citizens of the United States, in consequence of the seizure, detention, and condemnation of their property in the ports of His Danish Majesty. But as he has no instructions to that effect, the undersigned is directed, at and before proceeding to the signature of the treaty of friendship, commerce, and navigation on which they have agreed, explicitly to declare, that the omission to provide for those indemnities is not hereafter to be interpreted as a waiver or abandonment of them by the Government of the United States, which, on the contrary, is firmly resolved to persevere in the pursuit of them until they shall be finally arranged upon principles of equity and justice. And, to guard against any misconception of the fact of the silence of the treaty in the above particular, or of the views of the American Government, the undersigned requests that Mr. Pedersen will transmit this official declaration to the Government of Denmark. And he avails himself of this occasion to tender to Mr. Pedersen assurances of his distinguished consideration.

H. CLAY.

The Chevalier PEDERSEN.
Minister Resident from Denmark.

The Chevalier Peter Pedersen to Mr. Clay.

WASHINGTON, *April* 25, 1826.

The undersigned, Minister Resident of His Majesty the King of Denmark, has the honour herewith, to acknowledge having received Mr. Clay's official note of this day, declaratory of the advanced claims against Denmark not being waived on the part of the United States by the convention agreed upon and about to be signed, which note he, as requested, will transmit to his Government. And he avails himself of this occasion to renew to Mr. Clay assurances of his distinguished consideration.

P. PEDERSON.

To the Hon. HENRY CLAY,
Secretary of State of the United States.

1830.

CONVENTION CONCERNING TO INDEMNITIES AND CLAIMS.

Concluded March 28, 1830; *Ratifications exchanged at Washington June* 5, 1830; *Proclaimed June* 5, 1830.

The United States of America and His Majesty the King of Denmark, being equally desirous of terminating the discussions which have taken place between them in respect to the claims and pretensions formed by the citizens of the United States and the subjects of Denmark, having for their object the seizure, detention, condemnation or confiscation of their vessels, cargoes or property whatsoever, within the territory or under the authority of the respective Governments, have named for this purpose, and furnished with their full powers, that is to say: The President of the United States of America, by and with the advice and consent of the Senate, Henry Wheaton, Chargé d'Affaires of the said United States at the Court of His Majesty the King of Denmark, etc.; and

Negotiators.

His Majesty the King of Denmark, the Sieur Ernest Henry, Count de Schimmelmann, Knight of the Order of the Elephant, Grand Cross of the Order of Dannebrog, decorated with the silver cross of the same order, His Minister (intime) of State, Chief of his Department of Foreign Affairs, etc., and the Sieur Paul Christian de Stemann, Knight of the Order of the Elephant, Grant Cross of the Order of Dannebrog, decorated with the silver cross of the same order, his Minister (intime) of State and of Justice, president of his Danish Chancery, etc.; and the said Plenipotentiaries; after having exchanged their full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Renunciation by Denmark of indemnity.

Agreement to indemnify United States.

His Majesty the King of Denmark renounces the indemnities which might be claimed from the Government of the United States of America for the subjects of Denmark, on account of the seizure, detention, condemnation or confiscation of their vessels, cargoes or property whatsoever, under the authority of the said Government; and His Majesty engages, moreover, to pay to the said Government the sum of six hundred and fifty thousand Spanish milled dollars, on account of the citizens of the United States, who have preferred claims relating to the seizure, detention, condemnation, or confiscation of their vessels, cargoes, or property whatsoever, by the public and private armed ships, or by the tribunals of Denmark, or in the States subject to the Danish sceptre.

ARTICLE II.

Mode of payment of indemnity.

The payment of the above sum of six hundred and fifty thousand Spanish milled dollars shall be made in the times and manner following:

On the 31st March, 1831, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

On the 30th September, 1831, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

On the 30th September, 1832, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

To the second payment shall be added the interest for that, and for the last payment, at four per centum per annum, to be computed from the first payment, on the 31st March, 1831.

To the third payment shall also be added the interest for that payment, at four per centum per annum, to be computed from the second payment, on the 30th September, 1831.

The above sums, thus specified in Spanish milled dollars, shall be paid in bills of exchange, at fifteen days' sight, at Hamburg; for the payment of which the Danish Government shall be responsible.

At the time when the first payment shall be made, on the 31st March, 1831, two obligations, corresponding with the two last payments to be effected for the capital and the interest thereof, shall be issued by the Direction for the public debt and the sinking fund of Denmark, to the order of the Department of Foreign Affairs of Denmark, and assigned to the Government of the United States. By the said obligations, His Majesty the King of Denmark shall acknowledge himself debtor for the sums not yet paid to the Government of the United States of America, and the same shall be delivered to such person or persons as may be authorized to receive the same by the said Government; and when the said obligations are to be discharged, according to the tenor thereof, by the Danish Government, the person or persons authorized by the Government of the United States to receive the stipulated payments shall deliver up the said obligations, with receipts for the amount thereof, from the said Government.

ARTICLE III.

Claims to be adjudicated by a Board of Commissioners.

To ascertain the full amount and validity of the claims, mentioned in Article I, a Board of Commissioners, consisting of three citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, who shall meet at Washington, and within the space of two years from the time of their first meeting shall receive, examine and decide upon the amount and validity of all such claims, according to the merits of the several cases, and to justice, equity and the law of nations.

The Commissioners shall take an oath or affirmation, to be entered in the journal of their proceedings, for the faithful and diligent discharge of their duties.

In case of the death, sickness, or necessary absence of any Commissioner, his place may be supplied by the appointment of another Commissioner, in the manner before mentioned, or during the recess of the Senate, by the President of the United States. The Commissioners shall be authorized to hear and examine, on oath or affirmation, every question relating to such claims, and to receive all suitable authentic testimony concerning the same.

In order to facilitate the proceedings of this board, His Majesty the King of Denmark engages, when thereunto required, to cause to be delivered to any person or persons who shall be duly authorized for that purpose by the Government of the United States, in addition to the papers already delivered, all the acts, documents, ship's papers and prize proceedings which may still remain in the archives of the High Court of Admiralty, or the Prize Tribunals of Denmark, relating to the seizure, detention, condemnation, or confiscation of the vessels, cargoes, or property whatsoever, belonging to the citizens of the United States of America before the said tribunals.

Papers concerning claims to be furnished by Denmark.

The Commissioners shall award and cause to be distributed, among the several parties whose claims shall be allowed by the board, the sum mentioned in Article I and II, in a rateable proportion to the amount of the respective claims thus allowed.

Article IV.

In consideration of the renunciation and payments mentioned in Article I. and II., on the part of His Majesty the King of Denmark, the Government of the United States declares itself entirely satisfied, not only in what concerns the said Government, but also in what concerns the citizens of the said United States, on account of the claims hitherto preferred, or which may hereafter be preferred, relating to the seizure, detention, condemnation or confiscation of their vessels, cargoes or property whatsoever, which in the last maritime war of Denmark have taken place under the flag of Denmark, or in the States subject to the Danish sceptre; and the said claims shall consequently be regarded as definitively and irrevocably terminated.

Release of Denmark from payment of further indemnity.

Article V.

The intention of the two high contracting parties being solely to terminate, definitely and irrevocably, all the claims which have hitherto been preferred, they expressly declare that the present convention is only applicable to the cases therein mentioned; and, having no other object, can never hereafter be invoked by one party or the other as a precedent or rule for the future.

The present Convention only applicable to the cases therein mentioned.

Article VI.

The present convention shall be duly ratified by the high contracting parties, and the ratifications shall be exchanged at Washington, in the space of ten months, or sooner if possible.

Ratifications.

In faith thereof, and in virtue of our respective full powers, we have signed the present convention, and have thereunto set the seals of our arms.

Done at Copenhagen, this twenty-eighth day of March, 1830.

[SEAL.] HENRY WHEATON.
[SEAL.] E. H. SCHIMMELMANN.
[SEAL.] STEMANN.

1857.

CONVENTION EXEMPTING AMERICAN VESSELS FROM THE SOUND AND BELTS-DUES.

Concluded April 11, 1857; *Ratifications exchanged at Washington January* 12, 1858; *Proclaimed January* 13, 1858.

The United States of America and His Majesty the King of Denmark, being desirous to terminate amicably the differences which have arisen between them in regard to the tolls levied by Denmark on American vessels and their cargoes passing through the Sound and Belts, and commonly called the Sound-dues, have resolved to conclude a convention for that purpose, and have named as their Plenipotentiaries, that is to say:

Negotiators.

The President of the United States, Lewis Cass, Secretary of State of the United States and His Majesty the King of Denmark, Torben Bille, Esquire, Knight of the Dannebrog, and decorated with the cross of honor of the same order, his said Majesty's Chargé d'Affaires near the Government of the United States;

Who, after having communicated to each other their full powers in due form, have agreed to and signed the following articles:

ARTICLE I.

Navigation of the Sound and Belts to be free to vessels of the United States.

His Majesty the King of Denmark declares entire freedom of the navigation of the Sound and the Belts in favor of American vessels and their cargoes, from and forever after the day when this convention shall go into effect as hereinafter provided. And it is hereby agreed that American vessels and their cargoes, after that day, shall not be subject to any charges whatever in passing the Sound or the Belts, or to any detention in the said waters, and both Governments will concur, if occasion should require it, in taking measures to prevent abuse of the free flag of the United States by the shipping of other nations which shall not have secured the same freedom and exemption from charges enjoyed by that of the United States.

ARTICLE II.

Lights and buoys.

His Danish Majesty further engages that the passages of the Sound and Belts shall continue to be lighted and buoyed as heretofore without any charge upon American vessels or their cargoes on passing the Sound and the Belts, and that the present establishments of Danish pilots in these waters shall continue to be maintained by Denmark. His Danish Majesty agrees to make such additions and improvements in regard to the lights, buoys and pilot establishments in these waters as circumstances and the increasing trade of the Baltic may require. He further engages that no charge shall be made, in consequence of such additions and improvements, on American ships and their cargoes passing through the Sound and the Belts.

Employment of Danish pilots.

It is understood, however, to be optional for the masters of American vessels either to employ, in the said waters, Danish pilots, at reasonable rates fixed by the Danish Government, or to navigate their vessels without such assistance.

Article III.

In consideration of the foregoing agreements and stipulations on the part of Denmark, whereby the free and unincumbered navigation of American vessels through the Sound and the Belts is forever secured, the United States agree to pay to the Government of Denmark, once for all, the sum of seven hundred and seventeen thousand eight hundred and twenty-nine rix dollars, or its equivalent, three hundred and ninety-three thousand and eleven dollars in United States currency, at London, on the day when the said convention shall go into full effect, as hereinafterwards provided.

Toll dues to be paid by the United States.

Article IV.

It is further agreed that any other or further privileges, rights, or advantages which may have been, or may be, granted by Denmark to the commerce and navigation of any other nation at the Sound and Belts, or on her coasts and in her harbors, with reference to the transit by land through Danish territory of merchandise belonging to the citizens or subjects of such nation, shall also be fully extended to, and enjoyed by, the citizens of the United States, and by their vessels and property in that quarter.

Most favored nation privileges of commerce and navigation granted to citizens of the United States.

Article V.

The general convention of friendship, commerce and navigation, concluded between the United States and His Majesty the King of Denmark, on the 26th of April, 1826, and which was abrogated on the 15th of April, 1856, and the provisions contained in each and all of its articles, the 5th article alone excepted, shall, after the ratification of this present convention, again become binding upon the United States and Denmark; it being, however, understood, that a year's notice shall suffice for the abrogation of the stipulations of the said convention hereby renewed.

Convention of April 26, 1826, except 5th article, revived.

Article VI.

The present convention shall take effect as soon as the laws to carry it into operation shall be passed by the Government of the contracting parties, and the sum stipulated to be paid by the United States shall be received by or tendered to Denmark; and for the fulfilment of these purposes, a period not exceeding twelve months from the signing of this convention shall be allowed.

But if, in the interval, an earlier day shall be fixed upon and carried into effect for a free navigation through the Sound and Belts in favor of any other power or powers, the same shall simultaneously be extended to the vessels of the United States and their cargoes, in anticipation of the payment of the sum stipulated in Article III; it being understood, however, that in that event the Government of the United States shall also pay to that of Denmark four per cent. interest on the said sum, from the day the said immunity shall have gone into operation until the principal shall have been paid as aforesaid.

Time when this Convention shall be operative.

ARTICLE VII.

Ratifications.

The present convention shall be duly ratified, and the exchange of ratifications shall take place in Washington within ten months from the date hereof, or sooner if practicable.

In faith whereof the respective Plenipotentiaries have signed the present convention, in duplicate, and have thereunto affixed their seals.

Done at Washington this eleventh day of April, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the United States the eighty-first.

[SEAL.] LEWIS CASS.
[SEAL.] TORBEN BILLE.

1861.

ADDITIONAL ARTICLES TO THE GENERAL CONVENTION OF FRIENDSHIP, COMMERCE AND NAVIGATION OF APRIL 26, 1826,

Concluded July 11, 1861; *Ratifications exchanged at Washington September* 18, 1861; *Proclaimed September* 20, 1861.

The United States of America and His Majesty the King of Denmark, wishing to favor their mutual commerce by affording, in their ports, every necessary assistance to their respective vessels, the undersigned Plenipotentiaries, being duly empowered for that purpose, have agreed upon the following additional articles to the general convention of friendship, commerce and navigation, concluded at Washington on the twenty-sixth day of April, 1826, between the contracting parties.

ARTICLE I.

Rights of Consuls to settle difficulties between masters and crews of vessels of their nations.

The respective Consuls-General, Consuls, Vice-Consuls and Commercial Agents shall have the right as such to sit as judges and arbitrators in such differences as may arise, either at sea or in port, between the captain, officers and crew of the vessels belonging to the nation whose interests are committed to their charge, particularly in reference to the adjustment of wages and the execution of contracts, without the interference of the local authorities, unless the conduct of the crew and the officers, or of the captains, should disturb the order or tranquillity of the country.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their country.

ARTICLE II.

Deserters.

The Consuls-General, Consuls, Vice-Consuls and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, or, if the vessel shall have departed, by copy of said documents duly certified by them, that such individuals form part of the

crew; and on this reclamation being thus substantiated, the surrender shall not be refused, unless there be sufficient proof of the said persons being citizens or subjects of the country where their surrender is demanded. Such deserters, when arrested, shall be placed at the disposal of said Consuls-General, Consuls, Vice-Consuls or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect. Offences committed by deserters.

The present additional articles shall have the same force and value as if they were inserted, word for word, in the convention signed at Washington on the twenty-sixth day of April, one thousand eight hundred and twenty-six, and being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof; and by His Majesty the King of Denmark, the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible. Ratifications.

In faith whereof we, the undersigned, in virtue of our respective full powers, have signed the present additional articles, and have thereto affixed our seals.

Done in triplicate at the city of Washington on the eleventh day of July, in the year of our Lord one thousand eight hundred and sixty-one.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] W. R. RAASLOFF.

1872.

CONVENTION RELATIVE TO NATURALIZATION.

Concluded July 20, 1872; *Ratifications exchanged at Copenhagen March* 14, 1873; *Proclaimed April* 15, 1873.

The United States of America and his Majesty the King of Denmark being desirous to regulate the citizenship of the citizens of the United States of America who have emigrated, or who may emigrate, from the United States of America to the Kingdom of Denmark, and of Danish subjects who have emigrated, or who may emigrate from the Kingdom of Denmark to the United States of America, have resolved to conclude a convention for that purpose, and have named as their Plenipotentiaries, that is to say, the President of the United States of America: Michael J. Cramer, Minister Resident of the United States of America at Copenhagen; and His Majesty the King of Denmark: Otto Ditlev Baron Rosenörn-Lehn, Commander of Danebrog and Danebrogsmand, Chamberlain, His Majesty's Minister for Foreign Affairs, &c., &c., &c.; who, after having communicated to each other Negotiators.

their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles, to wit:

ARTICLE I.

Requirements for naturalization.

Citizens of the United States of America who have become, or shall become, and are, naturalized, according to law, within the Kingdom of Denmark as Danish subjects, shall be held by the United States of America to be in all respects and for all purposes Danish subjects, and shall be treated as such by the United States of America.

In like manner, Danish subjects who have become, or shall become, and are, naturalized, according to law, within the United States of America as citizens thereof, shall be held by the Kingdom of Denmark to be in all respects and for all purposes as citizens of the United States of America, and shall be treated as such by the Kingdom of Denmark.

ARTICLE II.

Recovery of former citizenship.

If any such citizen of the United States, as aforesaid, naturalized within the Kingdom of Denmark as a Danish subject, should renew his residence in the United States, the United States Government may, on his application, and on such conditions as that Government may see fit to impose, re-admit him to the character and privileges of a citizen of the United States, and the Danish Government shall not, in that case, claim him as a Danish subject on account of his former naturalization.

In like manner, if any such Danish subject, as aforesaid, naturalized within the United States as a citizen thereof, should renew his residence within the Kingdom of Denmark, His Majesty's Government may, on his application, and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a Danish subject, and the United States Government shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

ARTICLE III.

Renunciation of citizenship.

If, however, a citizen of the United States, naturalized in Denmark, shall renew his residence in the former country without the intent to return to that in which he was naturalized, he shall be held to have renounced his naturalization.

In like manner, if a Dane, naturalized in the United States, shall renew his residence in Denmark without the intent to return to the former country, he shall be held to have renounced his naturalization in the United States.

When the intent not to return is held to exist.

The intent not to return may be held to exist, when a person naturalized in the one country shall reside more than two years in the other country.

ARTICLE IV.

Duration of Convention.

The present convention shall go into effect immediately on or after the exchange of the ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE V.

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, and the ratifications shall be exchanged at Copenhagen as soon as may be within eight months from the date hereof. Ratifications.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Copenhagen, the twentieth day of July, in the year of our Lord one thousand eight hundred and seventy two.

[SEAL.] MICHAEL J. CRAMER.
[SEAL.] O. D. ROSENÖRN-LEHN.

DOMINICAN REPUBLIC.

1867.

CONVENTION OF AMITY, COMMERCE AND NAVIGATION, AND FOR THE SURRENDER OF FUGITIVE CRIMINALS.

Concluded February 8, 1867; *Ratifications exchanged at Santo Domingo October* 5, 1867; *Proclaimed October* 24, 1867.

The United States of America and the Dominican Republic, equally animated with the desire of maintaining the cordial relations and of tightening, if possible, the bonds of friendship between the two countries, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of amity, commerce and navigation, and for the surrender of fugitive criminals. For this purpose they have appointed as their Plenipotentiaries, to wit:

Negotiators.

The President of the United States, John Somers Smith, Commercial Agent of the United States at the city of Santo Domingo, and the President of the Dominican Republic, José Gabriel Garcia, Secretary of State in the Department of Foreign Relations, and Juan Ramon Fiallo, ex-Secretary of the Treasury;

Who, after a communication of their respective full powers, have agreed to the following articles:

ARTICLE I.

Declaration of amity.

It is the intention of the high contracting parties that there shall continue to be a firm, inviolable and universal peace, and a true and sincere friendship between the Republics of the United States of America and the Dominican Republic, and between their respective countries, territories, cities, towns and people, without exception of persons or places. If, unfortunately, the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and moveables, which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and the effects which they may wish to carry with them or send away, and such passports shall be a safe-conduct against the insults and captures which privateers may attempt against their persons and effects, and the money, debts, shares in the public funds, or in banks,

Treatment of citizens of one nation in territory of the other in time of war.

or any other property, personal or real, belonging to the citizens of the one party in the territories of the other, shall not be confiscated or sequestrated.

ARTICLE II.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever, higher or other than those that are or may be paid by native citizens.

Exemption from compulsory military service and forced loans.

ARTICLE III.

The citizens of the contracting parties shall be permitted to enter, sojourn, settle and reside in all parts of said territories, and such as may wish to engage in business shall have the right to hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party, as well in respect to the consignment and sale of their goods by wholesale or retail as with respect to the loading, unloading and sending off their ships. They may also employ such agents or brokers as they may deem proper, and shall in all these cases be treated as the citizens of the country wherein they reside; it being, nevertheless, distinctly understood that they shall be subject to such laws and regulations also in respect to wholesale or retail. They shall have free access to the tribunals of justice, in cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens; for which purpose they may employ in defence of their interests and rights such advocates, attorneys and other agents as they may think proper.

Privileges of citizens of one country in territory of the other in business affairs.

ARTICLE IV.

The citizens of each of the high contracting parties, residing in the other, shall enjoy the most perfect liberty of conscience. They shall be subjected to no inconveniences whatever on account of their religious belief, nor shall they in any manner be annoyed or disturbed in the exercise of their religious worship in private houses, or in the chapels and places which they may select for that purpose; provided that in so doing they observe the decorum due to the laws, usages and customs of the country. It is likewise agreed that the citizens of the one country dying in the territory of the other, may be interred either in the ordinary cemeteries or in such others as may be selected for that purpose by their own Government, or by their personal friends or representatives, with the consent of the local authorities. All such cemeteries, and funeral processions going to or returning from them, shall be protected from violation or disturbance.

Religious freedom.

Rights of burial.

ARTICLE V.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament or otherwise; and their personal representatives, being citizens of the other contracting party, shall succeed to their personal property,

Property of citizens of one nation in territory of the other.

whether by testament or *ab intestato*. They may take possession thereof, either by themselves or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, whilst the lawful owner may take measures for securing it. If a question should arise among claimants as to the rightful ownership of the property, the same shall be finally decided by the judicial tribunals of the country in which it is situated.

Real estate of persons deceased.

When on the decease of any person holding real estate within the territory of one party, such real estate would by the law of the land descend on a citizen of the other, were he not disqualified by alienage, the longest term which the laws of the country in which it is situated will permit shall be accorded to him to dispose of the same; nor shall he be subjected, in doing so, to higher or other dues than if he were a citizen of the country wherein such real estate is situated.

ARTICLE VI.

No discrimination in tonnage duties.

The high contracting parties hereby agree, that whatever kind of produce, manufactures or merchandise, of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in the vessels of the Dominican Republic, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, whether the importation be made in a vessel under the flag of the United States, or a vessel under the flag of the Dominican Republic. And, reciprocally, whatever kind of produce, manufactures or merchandise of any foreign country can be, from time to time, lawfully imported into the Dominican Republic in her own vessels, may also be imported in vessels of the United States, and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel under the flag of the Dominican Republic, or under the flag of the United States.

Exports.

Whatever can be lawfully exported or re-exported by one party in its own vessels to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other; and the same duties, bounties and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one or the other. Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other than are or shall be payable in the same ports by national vessels.

Duties, bounties and drawbacks.

ARTICLE VII.

Coasting trade.

The preceding article is not applicable to the coasting trade of the contracting parties, which is respectively reserved by each exclusively for its own citizens.

Parts of cargoes retained on vessels not dutiable.

But vessels of either country shall be allowed to discharge a part of their cargoes at one port, and proceed to any other port or ports in the territories of the other to discharge the remainder, without paying higher or other port-charges or tonnage-dues than would be paid by national vessels in such cases, so long as this liberty shall be conceded to any foreign vessels by the laws of both countries.

ARTICLE VIII.

For the better understanding of the preceding stipulations, it has been agreed that every vessel belonging exclusively to a citizen or citizens of the Dominican Republic, and whose captain is also a citizen of the same, such vessel having also complied with all the other requisites established by law to acquire such national character, though the construction and crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Dominican vessel.

Proofs of nationality of vessels.

ARTICLE IX.

No higher or other duty shall be imposed on the importation into the United States of any article the growth, produce or manufacture of the Dominican Republic, or of her fisheries; and no higher or other duty shall be imposed on the importation into the Dominican Republic of any article the growth, produce or manufacture of the United States, or their fisheries, than are or shall be payable on the like articles the growth, produce or manufacture of any other foreign country, or its fisheries.

No discrimination in duties on imports and exports.

No other or higher duties or charges shall be imposed in the United States on the exportation of any article to the Dominican Republic, nor in the Dominican Republic on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any other foreign country.

No prohibition shall be imposed on the importation of any article the growth, produce or manufacture of the United States or their fisheries, or of the Dominican Republic and her fisheries, from or to the ports of the United States or the Dominican Republic, which shall not equally extend to every other foreign country.

Prohibitions on imports from United States must apply to all other countries.

ARTICLE X.

Should one of the high contracting parties hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products intended to enter the country by which the discriminating duties are imposed.

Discriminating duties.

ARTICLE XI.

When any vessel of either party shall be wrecked, stranded or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened, and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

Shipwrecks.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges or fees on such cargo as may be carried away shall be paid, except such as are payable in like case by national vessels. It is understood, nevertheless, that if, while the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined for the reception of goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

Cargoes of stranded vessels unloaded for repairs not dutiable.

ARTICLE XII.

Right of neutrals to trade with an enemy in goods not contraband.

It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports and places of those who are enemies of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be or be not under the jurisdiction of the same power, unless such ports or places be effectively blockaded, besieged or invested.

Blockaded ports.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper; provided the same be not blockaded, besieged or invested. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XIII.

Contraband goods.

The liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war, and under this name shall be comprehended.—

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls and everything belonging to the use of arms.

2. Bucklers, helmets, breast-plates, coats of mail, accoutrements and clothes made up in military form and for military use.

3. Cavalry belts, and horses with their harness.

4. And, generally, all offensive or defensive arms made of iron, steel, brass, copper, or of any other material prepared and formed to make war by land or at sea.

ARTICLE XIV.

Articles not enumerated as contraband to be regarded as free.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at the time besieged or blockaded.

Article XV.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

1. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a power or State at war are free from capture or confiscation when found on board neutral vessels, with the exception of articles contraband of war. Free ships make free goods.

2. That the property of neutrals on board of an enemy's vessel is not subject to confiscation, unless the same be contraband of war. Neutral property on enemies' vessels.

The like neutrality shall be extended to persons who are on board a neutral ship with this effect, that although they may be enemies of both or either party, they are not to be taken out of that ship, unless they are officers or soldiers, and in the actual service of the enemy. The contracting parties engage to apply these principles to the commerce and navigation of all such powers and States as shall consent to adopt them as permanent and immutable. Neutral flag to protect passengers in time of war.

Article XVI.

In time of war the merchant ships belonging to the citizens of either of the contracting parties, which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention. Merchant vessels in time of war bound to an enemy's port required to exhibit passports and certificates.

Article XVII.

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that when one party shall be engaged in war, and the other party be neutral, the ships of the neutral party shall be furnished with passports, that it may appear thereby that the ships really belonged to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year; that is, if the ship happens to return home in the space of a year. If the ships are laden they shall be provided, not only with the passports above mentioned, but also with certificates, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and a receipt for the same shall be given, and the ship shall be at liberty to pursue its voyage unless the quantity of the contraband goods be greater than can conveniently be received on board the ship of war or privateer, in which case, as in all other cases of just detention, the ship shall be carried into the nearest safe and convenient port for the delivery of the same. Proofs of neutrality of vessels in time of war.

Ships not furnished with proofs of neutrality to be subject to examination.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal; and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

Passports not invalidated by death of masters of vessels.

If the master of a ship, named in the passport, should happen to die or be removed by any other cause, and another put in his place, the ship and cargo shall, nevertheless, be equally secure and the passport remain in full force.

ARTICLE XVIII.

Visitation and search.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, it is hereby agreed that whenever a ship of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats, with two or three men only, in order to execute the examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of all private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit; and it is hereby agreed and understood that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XIX.

Neutral vessels with convoy not subject to visitation and search.

It is expressly agreed by the high contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applicable only to ships sailing without convoy, and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient; the two parties reciprocally engaging not to admit under the protection of their convoys ships which shall have on board contraband goods destined to an enemy.

ARTICLE XX.

Captures or detentions of neutral vessels.

In all cases where vessels shall be captured or detained, to be carried into port under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a copy of the said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales or vessels found on board, or remove the smallest part of the goods, unless the

ling be brought on shore in presence of the competent officers, and inventory be made by them of the same. Nor shall it be lawful to ll, exchange or alienate the said articles of contraband in any man- r, unless there shall have been lawful process, and the competent judge judges shall have pronounced against such goods sentence of confisca- on.

ARTICLE XXI.

And in such time of war, that proper care may be taken of the vessel d cargo, and embezzlement prevented, it is agreed that it all not be lawful to remove the master, commander or percargo of any captured ship from on board thereof, dur- g the time the ship may be at sea after her capture, or pending the oceedings against her, or her cargo, or anything relating thereto; and all cases where a vessel of the citizens of either party shall be captured seized and held for adjudication, her officers, passengers and crew all be hospitably treated. They shall not be imprisoned or deprived of y part of their wearing apparel, nor of the possession and use of their oney, not exceeding for the captain, supercargo, mate and passengers ve hundred dollars each, and for the sailors one hundred dollars each.

Protection of officers, passengers and property on neutral vessels captured.

ARTICLE XXII.

It is further agreed that in all cases the established courts for prize auses, in the country to which the prizes may be conducted, all alone take cognizance of them. And whenever such ribunal of either of the parties shall pronounce judgment gainst any vessel or goods, or property claimed by the citizens of the ther party, the sentence or decree shall mention the reasons or motives n which the same shall have been founded, and an authenticated copy f the sentence or decree, and of all the proceedings in the case, shall, demanded, be delivered to the commander or agent of the said vessel ithout any delay, he paying the legal fees for the same.

Prize courts only competent for prize causes.

ARTICLE XXIII.

When the ships of war of the two contracting parties, or those belonging o their citizens, which are armed in war, shall be admitted o enter with their prizes the ports of either of the two par- ies, the said public or private ships, as well as their prizes, hall not be obliged to pay any duty either to the officers of he place, the judges or any others; nor shall such prizes, when they ome to and enter the ports of either party, be arrested or seized, nor hall the officers of the place make examination concerning the lawful- ess of such prizes, but they may hoist sail at any time and depart and arry their prizes to the places expressed in their commissions, which he commanders of such ships of war shall be obliged to show. It is nderstood, however, that the privileges conferred by this article shall ot extend beyond those allowed by law or by treaty with the most avored nations.

The ships of war of one nation to be admitted with their prizes to the ports of the other.

ARTICLE XXIV.

It shall not be lawful for any foreign privateers who have commissions rom any Prince or State in enmity with either nation, to fit heir ships in the ports of either, to sell their prizes, or in ny manner to exchange them; neither shall they be allowed o purchase provisions, except such as shall be necessary to heir going to the next port of that Prince or State from which they ave received their commissions.

Privateers of hostile powers not to dispose of prizes in the ports of either nation.

ARTICLE XXV.

Letters of marque.

No citizen of the Dominican Republic shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of the Dominican Republic, or any of them, or the property of any of them, from any Prince or State with which the said Republic shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished according to their respective laws.

ARTICLE XXVI.

Liberty to appoint Consuls.

The high contracting parties grant to each other the liberty of having in the ports of the other Consuls or Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation; but if any of the said Consuls or Vice-Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

Consuls, citizens of the States to which they are appointed.

It is understood that whenever either of the two contracting parties shall select a citizen of the other for a Consular Agent to reside in any ports or commercial places of the latter, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a citizen of the nation to which he belongs, and consequently shall be subject to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions or affect the inviolability of the consular archives.

Consuls authorized to adjust difficulties between masters and crews of vessels of their nations.

The said Consuls and Vice-Consuls shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge without the interference of the local authorities, unless their assistance should be required or the conduct of the crews or of the captain should disturb the order or tranquillity of the country. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

Deserters.

The said Consuls and Vice-Consuls are authorized to require the assistance of the local authorities for the arrest and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall, in writing, demand such deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who

all claim them, in order to be sent to the vessels to which they belong, to others of the same country. But if not sent back within three onths of the day of their arrest, they shall be set at liberty, and shall t again be arrested for the same cause. However, if the deserter shall found to have committed any crime or offence, his surrender may be layed until the tribunal before which his case shall be pending shall ve pronounced its sentence, and such sentence shall have been car- d into effect.

ARTICLE XXVII.

The United States of America and the Dominican Republic, on requi- ions made in their name through the medium of their re- ective Diplomatic and Consular Agents, shall deliver up justice persons who, being charged with the crimes enumerated in e following article, committed within the jurisdiction of the requiring rty, shall seek asylum, or shall be found within the territories of the her: *Provided*, That this shall be done only when the fact of the mmission of the crime shall be so established as to justify their appre- nsion and commitment for trial, if the crime had been committed in e country where the persons so accused shall be found; in all of which e tribunals of said country shall proceed and decide according to their vn laws. Extradition of criminals.

ARTICLE XXVIII.

Persons shall be delivered up according to the provisions of this con- ntion, who shall be charged with any of the following imes, to wit: Murder, (including assassination, parricide, fanticide, and poisoning;) attempt to commit murder; rape; forgery; e counterfeiting of money; arson; robbery with violence, intimida- on, or forcible entry of an inhabited house; piracy; embezzlement by ublic officers, or by persons hired or salaried, to the detriment of their nployers, when these crimes are subject to infamous punishment. Crimes.

ARTICLE XXIX.

On the part of each country the surrender shall be made only by the uthority of the Executive thereof. The expenses of deten- on and delivery, effected in virtue of the preceding articles, hall be at the cost of the party making the demand. Expenses.

ARTICLE XXX.

The provisions of the aforegoing articles relating to the surrender of ugitive criminals shall not apply to offences committed efore the date hereof, nor to those of a political char- cter. Extradition not to be granted for political offences.

ARTICLE XXXI.

This convention is concluded for the term of eight years, dating from he exchange of the ratifications; and if one year before the xpiration of that period neither of the contracting parties hall have announced, by an official notification, its intention to the ther to arrest the operations of said convention, it shall continue bind- ng for twelve months longer, and so on, from year to year, until the xpiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place. Duration of Convention.

ARTICLE XXXII.

This convention shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Santo Domingo as soon as circumstances shall admit.

Ratifications.

In faith whereof the respective Plenipotentiaries have signed the aforegoing articles, in the English and Spanish languages, and they have hereunto affixed their seals.

Done in duplicate at the city of Santo Domingo, this eighth day of February, in the year of our Lord one thousand eight hundred and sixty-seven.

[SEAL.] JNO. SOMERS SMITH.
[SEAL.] JOSÉ G. GARCIA.
[SEAL.] JUAN R. FIALLO.

ECUADOR.

1839.

TREATY OF PEACE, FRIENDSHIP, NAVIGATION AND COMMERCE.

Concluded June 13, 1839; *Ratifications exchanged at Quito April* 9, 1842; *Proclaimed September* 23, 1842.

The United States of America and the Republic of Ecuador, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty of friendship, commerce and navigation. For this most desirable object the President of the United States of America has conferred full powers on James C. Pickett, a citizen of the said States, and the President of the Republic of Ecuador, on Doctor Luis de Saá, Minister of Finance, charged with the Department of the Interior and Foreign Relations; who, after having exchanged their said full powers in due and proper form, have agreed to the following articles: Negotiators.

ARTICLE I.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of Ecuador, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places. Declaration of amity.

ARTICLE II.

The United States of America and the Republic of Ecuador, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or, on allowing the same compensation, if the concession was conditional. Most favored nation.

ARTICLE III.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all Freedom of commerce and navigation.

kinds of produce, manufactures and merchandise; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce which native citizens do or shall enjoy, submitting themselves to the laws, decrees and usages there established, to which native citizens are subjected; but it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws. And it is further agreed that this article shall be subject to the following modification: That whereas, by a law of Ecuador of March twenty-first, 1837, vessels built in the dock-yard of Guayaquil shall be exempted from various charges, therefore vessels of the United States cannot claim this privilege, but shall enjoy it if it should be granted to vessels belonging to Spain, or to Mexico, and to the other Hispano-American Republics.

Privileges granted to vessels built in the dock-yard at Guayaquil.

ARTICLE IV.

They likewise agree that whatever kind of produce, manufactures or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in the vessels of the Republic of Ecuador; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and, in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the Republic of Ecuador in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Ecuador.

No discrimination in tonnage duties.

Bounties, duties and drawbacks.

ARTICLE V.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of Ecuador, it has been stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captian is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as an Ecuadorian vessel.

Proofs of nationality of vessels.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Republic of Ecuador; and no higher or other duties shall be imposed on the importation into the Republic of Ecuador of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the pro-

No discrimination in duties on imports and exports.

luce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to the Republic of Ecuador, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Ecuador, to or from the territories of the United States, or to or from the territories of the Republic of Ecuador, which shall not equally extend to all other nations.

All prohibitions to be generally applied.

ARTICLE VII.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the subjects or citizens of the most favored nation. They shall be subject, however, to such general taxes and contributions as are or may be established by law.

Privileges of citizens of one nation in territory of the other in business affairs.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

No embargo without indemnification.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

Asylum granted to vessels in distress.

ARTICLE X.

All the ships, merchandise and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals, it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys or agents of their respective Governments.

Captures by pirates.

ARTICLE XI.

Shipwrecks.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, unless they be destined for consumption.

ARTICLE XII.

Property of citizens of one nation in territory of the other.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XIII.

Special protection to persons and property of citizens of one nation in territory of the other.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited on the said trials.

ARTICLE XIV.

Religious freedom.

It is likewise agreed that the most perfect and entire security of conscience may be enjoyed by the citizens of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ARTICLE XV.

It shall be lawful for the citizens of the United States of America and of the Republic of Ecuador to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever; not only directly from the places of the enemy before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that, although they may be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: *Provided, however*, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Right of neutrals to trade with enemy.

Free ships, free goods.

ARTICLE XVI.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulations, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and, as such, shall be liable to detention and confiscation; except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree, that six months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case, the goods and merchandises of the neutral, embarked in such enemy's ship, shall be free.

Enemy's flag will not protect property of a neutral.

ARTICLE XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets,

Contraband goods.

fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms.

2nd. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in military form, and for military use.

3rd. Cavalry belts, and horses with their furniture.

4th. And, generally, all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war, by sea or land.

ARTICLE XVIII.

Articles not enumerated as contraband to be regarded as free.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of a neutral.

Definition of blockade.

ARTICLE XIX.

Neutral vessels not subject to detention after delivery of contraband arttcles.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they may see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, or of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ARTICLE XX.

Blockade.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy, without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from any officer commanding a vessel of the blockading forces, they shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper.

Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein, after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

In order to prevent all kinds of disorder, in the visiting and examination of the ships and cargoes of both the contracting parties, on the high seas, they have agreed, mutually, that, whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boats with two or three men only, in order to execute the said examination of the papers, concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property, for which purpose the commanders of the said private armed vessel shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall, in no case, be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever. Visitation and search.

ARTICLE XXII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ships; as also the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear that said ship truly belongs to the citizens of one of the parties. They have likewise agreed, that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and satisfied or supplied by testimony entirely equivalent. Proofs of nationality of vessels.

ARTICLE XXIII.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient. Neutral vessels with convoy not subject to visitation and search.

ARTICLE XXIV.

It is further agreed that, in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them; and whenever such tribunals, of either party, shall pronounce judg- Prize courts only competent in prize cases.

ment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

Decree of condemnation to set forth the reasons thereof.

ARTICLE XXV.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy, against the said party so at war, under the pain of being considered as a pirate.

Letters of marque.

ARTICLE XXVI.

If by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection, until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and the Republic of Ecuador, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

Treatment of citizens of one nation in territory of the other in time of war.

ARTICLE XXVII.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public nor private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

Debts and securities exempt from confiscation.

ARTICLE XXVIII.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and other Public Agents, the same favors, immunities and exemptions which those of the most favored nation do or shall enjoy; it being understood, that whatever favors, immunities, or privileges, the United States of America or the Republic of Ecuador may find it proper to give to the Ministers and other Public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

Most favored nation privileges accorded to public ministers.

ARTICLE XXIX.

To make more effectual the protection which the United States and the Republic of Ecuador shall afford in future, to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls and Vice-Consuls may not seem convenient.

Liberty to appoint Consuls.

ARTICLE XXX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such, by all the authorities, magistrates and inhabitants in the consular district in which they reside.

Exequaturs.

ARTICLE XXXI.

It is likewise agreed that the Consuls, their secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempted from all kinds of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in everything besides subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Rights of Consuls, citizens of the State appointing them.

Consular archives inviolable.

ARTICLE XXXII.

The said Consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing; proving by an exhibition of the register of the vessel's or ship's roll, or other public documents, that those men were part of the said crews, and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Deserters.

ARTICLE XXXIII.

Agreement to make a consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare especially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXIV.

Construction "most favored nation" provisions.

It is further agreed, that the words, "most favored nation," that occur in this treaty, shall not be so construed as to prevent either of the contracting parties from concluding any treaty or convention with any other nation or State it may think proper, as freely and as fully as though said words were not used: *Provided, however*, That notwithstanding any such treaty or convention, the citizens of the United States shall be placed in Ecuador, with respect to navigation and commerce, upon an equal footing with the subjects of Spain and with the citizens of Mexico and of the other Hispano-American States, with which treaties have been or may be concluded; and that the citizens of Ecuador shall be entitled to enjoy, in the United States, the same rights and privileges, with respect to navigation and commerce, that the citizens of the United States enjoy, or shall enjoy, in Ecuador.

ARTICLE XXXV.

The United States of America and the Republic of Ecuador, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties, by virtue of this treaty of peace, amity, commerce and navigation, have declared solemnly and do agree to the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years: And it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be perpetually and permanently binding on both powers.

Duration of treaty.

2nd. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

Violation of treaty by citizens of either nation.

3rd. If, (what indeed cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other on complaints of injuries or damages, until the said party considering itself offended

Violations of treaty not to authorize reprisals or war.

shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns and states.

The present treaty of peace, amity, commerce and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Ecuador, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Quito, within three years, to be counted from the date of the signature hereof, or sooner if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Republic of Ecuador, have signed and sealed these presents.

Done in the city of Quito on the thirteenth day of June, in the year of our Lord one thousand eight hundred and thirty-nine, and in the sixty-third year of the Independence of the United States of America and the twenty-ninth of that of the Republic of Ecuador.

[SEAL.] J. C. PICKETT.
[SEAL.] LUIS DE SAA.

1862.

CONVENTION FOR THE ADJUSTMENT OF CLAIMS.

Concluded November 25, 1862; *Ratifications exchanged at Quito, July* 27, 1864; *Proclaimed September* 8, 1864.

The United States of America and the Republic of Ecuador, desiring to adjust the claims of citizens of said States against Ecuador, and of citizens of Ecuador against the United States, have, for that purpose, appointed and conferred full powers, respectively, to wit:

The President of the United States on Frederick Hassaurek, Minister Resident of the United States in Ecuador, and the President of Ecuador on Juan José Flores, General-in-Chief of the Armies of the Republic; Negotiators.

Who, after exchanging their full powers, which were found in good and proper form, have agreed on the following articles:

ARTICLE I.

All claims on the part of corporations, companies or individuals, citizens of the United States, upon the Government of Ecuador, or of corporations, companies or individuals, citizens of Ecuador, upon the Government of the United States, shall be referred to a Board of Commissioners consisting of two members, one of whom shall be appointed by the Government of the United States, and one by the Government of Ecuador. In case of death, absence, resignation or incapacity of either Commissioner, or in the event of either Commissioner omitting or ceasing to act, the Government of the United States or that of Ecuador, respectively, or the Minister of the United States in Ecuador, in the name of his Gov-

Claims to be referred to Commissioners.

Appointment of Commissioners.

ernment, shall forthwith proceed to fill the vacancy thus occasioned.

Time and place of meeting of Commissioners.

The Commissioners so named shall meet in the city of Guayaquil within ninety days from the exchange of the ratifications of this convention, and before proceeding to business shall make solemn oath that they will carefully examine and impartially decide according to justice, and in compliance with the provisions of this convention, all claims that shall be submitted to them; and such oath shall be entered on the record of their proceedings.

Appointment of an Umpire.

The Commissioners shall then proceed to name an Arbitrator or Umpire, to decide upon any case or cases concerning which they may disagree, or upon any point of difference which may arise in the course of their proceedings. And if they cannot agree in the selection, the Umpire shall be appointed by her Britannic Majesty's Chargé d'Affaires, or (excepting the Minister Resident of the United States) by any other diplomatic agent in Quito whom the two high contracting parties shall invite to make such appointment.

ARTICLE II.

Papers concerning claims to be furnished by each Government.

The Arbitrator or Umpire being appointed, the Commissioners shall, without delay, proceed to examine the claims which may be presented to them by either of the two Governments; and they shall hear, if required, one person in behalf of each Government on every separate claim. Each Government shall furnish, upon request of either Commissioner, such papers in its possession as may be deemed important to the just determination of any claim or claims.

In cases where they agree to award an indemnity, they shall determine the amount to be paid. In cases in which said Commissioners cannot agree, the points of difference shall be referred to the Umpire, before whom each of the Commissioners may be heard, and whose decision shall be final.

ARTICLE III.

Awards.

The Commissioners shall issue certificates of the sums to be paid to the claimants, respectively, whether by virtue of the awards agreed to between themselves or of those made by the Umpire; and the aggregate amount of all sums decreed by the Commissioners, and of all sums accruing from awards made by the Umpire under the authority conferred by the fifth article, shall be paid to the Government to which the respective claimants belong. Payment of said sums shall bemade in equal annual instalments, to be completed within nine years from the date of the termination of the labors of the Commission, the first payment to be made six months after the same date. To meet these payments both Governments pledge the revenues of their respective nations.

ARTICLE IV.

Duration of Commission.

The Commission shall terminate its labors in twelve months from the date of its organization. They shall keep a record of their proceedings, and may appoint a Secretary versed in the knowledge of the English and Spanish languages.

ARTICLE V.

The proceedings of this Commission shall be final and conclusive with respect to all pending claims. Claims which shall not be presented to the Commission within the twelve months it remains in existence will be disregarded by both Governments, and considered invalid. In the event that, upon the termination of the labors of said Commission, any case or cases should be pending before the Umpire, and awaiting his decision, said Umpire is hereby authorized to make his decision or award in such case or cases, and his certificate thereof in each case, transmitted to each of the two Governments, shall be held to be binding and conclusive: *Provided, however*, That his decision shall be given within thirty days from the termination of the labors of the Commission, at the expiration of which thirty days his power and authority shall cease.

Decisions to be final.

Cases pending at time of termination of Commission.

ARTICLE VI.

Each Government shall pay its own Commissioner; but the Umpire, as well as the incidental expenses of the Commission, shall be paid one-half by the United States and the other half by Ecuador.

Expenses.

ARTICLE VII.

The present convention shall be ratified and the ratifications exchanged in the city of Quito.

In faith whereof, we, the respective Plenipotentiaries, have signed this convention and hereunto affixed our seals, in the city of Guayaquil, this twenty-fifth day of November, in the year of our Lord 1862.

[SEAL.] F. HASSAUREK.
[SEAL.] JUAN JOSÉ FLORES.

1872.

CONVENTION RELATIVE TO NATURALIZATION.

Concluded May 6, 1872; *Ratifications exchanged at Washington November* 6, 1873; *Proclaimed November* 24, 1873.

The United States of America and the Republic of Ecuador, being desirous of regulating the citizenship of persons who emigrate from Ecuador to the United States, and from the United States to the Republic of Ecuador, have decided to treat on this subject, and for this purpose, have named their respective Plenipotentiaries, to wit: the President of the United States, Hamilton Fish, Secretary of State, and the President of the Republic of Ecuador, Don Antonio Flores, accredited as Minister Resident of that Republic to the Government of the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles.

Negotiators.

ARTICLE I.

Each of the two Republics shall recognize as naturalized citizens of the other, those persons who shall have been therein duly naturalized, after having resided uninterruptedly, in their adopted country as long as may be required by its constitution or laws.

Requisites for naturalization.

This Article shall apply as well to those already naturalized in the countries of either of the contracting parties as to those who may be hereafter naturalized.

ARTICLE II.

Recovery of former citizenship.

If a naturalized citizen of either country shall renew his residence in that where he was born, without an intention of returning to that where he was naturalized, he shall be held to have re-assumed the obligations of his original citizenship, and to have renounced that which he had obtained by naturalization.

ARTICLE III.

Renunciation of citizenship.

A residence of more than two years in the native country of a naturalized citizen, shall be construed as an intention on his part to stay there without returning to that where he was naturalized. This presumption, however, may be rebutted by evidence to the contrary.

ARTICLE IV.

Offenses committed before emigration.

Naturalized citizens of either country, on returning to that where they were born, shall be subject to trial and punishment according to the laws, for offences committed before their emigration, saving always the limitations established by law.

ARTICLE V.

A declaration of intention to become a citizen shall not have the effect of naturalization.

ARTICLE VI.

Duration of convention.

The present convention shall go into effect immediately on the exchange of ratifications, and it shall remain in full force for ten years. If neither of the contracting parties shall give notice to the other six months previously of its intention to terminate the same, it shall further remain in force until twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VII.

Ratifications.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Ecuador with the approval of the Congress of that Republic, and the ratifications shall be exchanged at Washington within eighteen months from the date hereof.

In faith whereof the plenipotentiaries have signed and sealed this convention at the city of Washington this sixth day of May, in the year of our Lord one thousand eight hundred and seventy two.

[SEAL.] ANTONIO FLORES.
[SEAL.] HAMILTON FISH.

1872.

CONVENTION FOR THE EXTRADITION OF CRIMINALS.

Concluded June 28, 1872; *Ratifications exchanged at Quito November* 12, 1873; *Proclaimed December* 24, 1873.

The United States of America and the Republic of Equador having deemed it conducive to the better administration of justice and the prevention of crime within their respective territories, that all persons convicted of, or accused of the crimes enumerated below, being fugitives from justice, shall be, under certain circumstances reciprocally delivered up, have resolved to conclude a treaty upon the subject, and the President of the United States has for this purpose named Rumsey Wing, a citizen of the United States, and their Minister Resident in Ecuador, as Plenipotentiary on the part of the United States; and the President of Ecuador has named Francisco Tavier Leon, Minister of the Interior and of Foreign Affairs, as Plenipotentiary on the part of Ecuador; who having reciprocally communicated their full powers, and the same having been found in good and due form, have agreed upon the following articles, viz: Negotiators.

ARTICLE I.

The Government of the United States, and the Government of Ecuador mutually agree to deliver up such persons as may have been convicted of, or may be accused of the crimes set forth in the following article, committed within the jurisdiction of one of the contracting parties, and who may have sought refuge, or be found within the Territory of the other: it being understood that this is only to be done when the criminality shall be proved in such manner that according to the laws of the country, where the fugitive or accused may be found such persons might be lawfully arrested and tried, had the crime been committed within its jurisdiction.

ARTICLE II.

Persons convicted of or accused of any of the following crimes shall be delivered up, in accordance with the provisions of this Treaty. Crimes.

1st. Murder, including assassination, parricide, infanticide and poisoning.

2nd. The crime of rape, arson, piracy, and mutiny on ship-board when the crew or a part thereof, by fraud or violence against the commanding officer have taken possession of the vessel.

3rd. The crime of burglary, this being understood as the act of breaking or forcing an entrance into another's house with intent to commit any crime, and the crime of robbery, this being defined as the act of taking from the person of another, goods or money with criminal intent, using violence or intimidation.

4th. The crime of forgery: which is understood to be the wilful use or circulation of forged papers or public documents.

5th. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank bills and securities, and in general of any kind of titles to or instruments of credit, the counterfeiting of stamps, dies, seals and marks of the State, and of the administrative authorities, and the sale or circulation thereof.

6th. Embezzlement of public property, committed within the jurisdiction of either party by public officers or depositaries.

Article III.

Extradition shall not be granted for political offences.

The stipulations of this treaty shall not be applicable to crimes or offences of a political character; and the person or persons delivered up charged with the crimes specified in the foregoing article shall not be prosecuted for any crime committed previously to that for which his or their extradition may be asked.

Article IV.

Offences committed in country of asylum.

If the person whose extradition may have been applied for in accordance with the stipulations of the present treaty, shall have been arrested for offences committed in the country where he has sought refuge, or if he shall have been sentenced therefor, his extradition may be deferred until his acquittal, or the expiration of the term for which he shall have been sentenced.

Article V.

Mode of procedure.

Requisitions for the extradition of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or in case of the absence of these from the country or its capital, they may be made by superior Consular officers. If the person whose extradition is asked for shall have been convicted of a crime, the requisition must be accompanied by a copy of the sentence of the Court that has convicted him, authenticated under its seal, and an attestation of the official character of the judge who has signed it, made by the proper executive authority; also by an authentication of the latter by the Minister or Consul of the United States or Equador respectively. On the contrary however, when the fugitive is merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime has been committed, and of any evidence in writing upon which such warrant may have been issued, must accompany the aforesaid requisition. The President of the United States or the proper executive authority of Ecuador, may then order the arrest of the fugitive, in order that he may be brought before the judicial authority, which is competent to examine the question of extradition.

If, then, according to the evidence and the law, it be decided that the extradition is due in conformity with this treaty, the fugitive shall be delivered up, according to the forms prescribed in such cases.

Article VI.

Expenses.

The expenses of the arrest, detention and transportation of persons claimed, shall be paid by the Government in whose name the requisition shall have been made.

Article VII.

Duration of treaty.

This treaty shall continue in force for ten years from the day of the exchange of ratifications, but in case neither party shall have given to the other one year's previous notice of its intention to terminate the same, then this treaty shall continue in force for ten years longer, and so on.

Ratifications.

The present treaty shall be ratified, and the ratifications exchanged in the Capital of Ecuador, within two months from the day on which the session of the coming Congress of Ecuador shall terminate, which will be in October, 1873.

In testimony whereof the respective Plenipotentiaries have signed the present treaty in duplicate, and have hereunto affixed their seals.

Done in the city of Quito, Capital of the Republic of Ecuador, this twenty-eighth day of June one thousand eight hundred and seventy-two.

[SEAL.] RUMSEY WING.
[SEAL.] FRANCISCO TAVIER LEON.

EGYPT.

1884.

AGREEMENT CONCERNING COMMERCIAL AND CUSTOMS REGULATIONS.

Concluded November 16, 1884; *ratification advised by the Senate of the United States March* 18, 1885; *proclaimed May* 7, 1885.

The Undersigned, N. D. Comanos, Vice-Consul-General of the United States of America in Egypt, and His Excellency Nubar Pasha, President of the Council of Ministers, Minister of Foreign Affairs and of Justice of the Government of His Highness the Khedive of Egypt, duly authorized by their respective Governments, have held a conference this day on the subject of a Commercial Convention to be concluded between the Egyptian Government and the Foreign Powers, and have agreed to the following:

Negotiators.

The Government of the United States of America consents that the Regulations of the Egyptian customs applicable, in virtue of a Commercial and Customs Convention concluded on the 3rd of March, 1884, between the Hellenic Government and the Egyptian Government, to the Hellenic subjects, vessels, commerce and navigation, may also be applied to the citizens of the United States, vessels, commerce and navigation.

Egyptian customs regulations applicable to Greece extended to United States.

Every right, privilege or immunity that the Egyptian Government now grants, or that it may grant in future, to the subjects or citizens, vessels, commerce and navigation of whatsoever other foreign power, shall be granted to citizens of the United States, vessels, commerce and navigation, who shall have the right to enjoy the same.

Most favored nation privileges of commerce and navigation granted to citizens of United States.

The present agreement shall become operative immediately upon the consent of the Senate of the United States being given to the same.

Time when convention shall become operative.

In testimony whereof, the undersigned have signed the present act and have affixed their seals.

Done in Cairo, the sixteenth day of November Eighteen hundred and eighty-four.

[SEAL] N. D. COMANOS.
[SEAL] N. NUBAR.

[*The following is a translation of the printed official French version of the Convention between the Hellenic Government and the Egyptian Government concluded March* 3, 1884, *the provisions of which have been made applicable to the United States by the foregoing Agreement.*]

A CONVENTION RELATIVE TO COMMERCE AND CUSTOMS.

His Excellency Nubar Pasha, President of the Council of Ministers, Minister of Foreign Affairs of His Highness the Khedive, and Mr. Anasthasius Byzantios, Diplomatic Agent and Consul-General of Greece, having been duly authorized by their respective Governments, have agreed upon the following:

ARTICLE I.

Greek commerce in Egypt and Egyptian commerce in Greece shall be treated, as regards customs duties, both when goods are imported and exported, as the commerce of the most favored nation. Most favored nation clause.

ARTICLE II.

No prohibitory measure shall be adopted in respect to the reciprocal import or export trade of the two countries, without being likewise extended to all other nations. It is nevertheless understood that this restriction shall not apply to such special measures as may be adopted by either country for the purpose of protecting itself against epizooty, phylloxera or any other scourge. General prohibitory measures must be applied impartially.

ARTICLE III.

The Egyptian Government pledges itself, with the exceptions mentioned in article VI hereinafter, not to prohibit the importation into Egypt of any article, the product of the soil and industry of Greece, from whatever place such article may come. Importation of Greek products into Egypt not to be prohibited.

ARTICLE IV.

The duties to be levied in Egypt on the productions of the soil and industry of Greece, from whatever place they may come, shall be regulated by a tariff which shall be prepared by commissioners appointed for this purpose by the two Governments. Egyptian tariff to be prepared by commissioners.

A fixed duty of 8 per cent. ad valorem shall be taken as the basis of this tariff, the said duty to be computed on the price of the goods in the port of discharge; the Egyptian Government, however, reserves the privilege of raising the duties on distilled beverages, wines and fancy articles; but these duties shall, in no case, exceed the rate of 16 per cent. ad valorem. Fixed duty of 8 per cent. ad valorem to be taken as basis, subject to exceptions.

The Egyptian Government likewise reserves the right to reduce the duties on articles of prime necessity that are imported into Egypt, to 5 per cent., and even to abolish them entirely. Right to reduce and abolish duties on articles of prime necessity.

Customs duties shall be collected without prejudice to the penalties provided, in cases of fraud and smuggling, by the regulations. Duties to be collected without prejudice.

ARTICLE V.

Tobacco, in all its forms, and tombac, together with salt, natron, hashish, and saltpeter are excluded from the stipulations of this convention. Tobacco, etc., excluded from convention.

The Egyptian Government retains an absolute right in respect to these articles, the régime of which shall be applicable to Greek subjects on the same terms as to its own subjects.

The Egyptian Government may institute, in warehouses or dwellings, any immediate search that it may deem necessary. A duplicate of the order of search shall be sent to the Greek consular officer, who may repair to the spot at once, if he think proper, although that formality shall not delay the search. Right to search warehouses and dwellings.

ARTICLE VI.

Importation into Egypt of arms and munitions of war not permitted.

By way of exception to the stipulations of article III, the importation into Egypt of arms used in war (including fire-arms and side-arms) and munitions of war shall not be permitted.

Exceptions.

The above restriction does not apply to weapons used in hunting or for ornament or amusement, nor does it apply to gunpowder used in hunting; the importation of these articles shall form the subject of special regulations to be adopted by the Egyptian Government.

ARTICLE VII.

Imported and re-exported goods to be treated as goods in transit.

Goods imported into Egypt and re-exported within a period not exceeding six months, shall be considered as goods in transit, and shall pay, as such, only a transit duty of one per cent., computed on their value in the port of discharge. After such period of six months, they shall be subject to the full import duty.

If the re-exportation takes place from the port of discharge, after a simple transshipment, or after the goods have been discharged and kept on land, under surveillance, as provided by the customs regulations, for a period not exceeding one month, such goods shall be liable to no duty; but the transit duty shall be payable, if, after having been discharged and temporarily deposited, either in the warehouses of the custom-house, or in private warehouses, whether floating or not, the goods are re-exported, after having been the object of a commercial operation.

ARTICLE VIII.

Drawback on imported and re-exported goods.

If goods, after the import duty has been levied upon them in Egypt, are sent to other countries before the expiration of the term of six months from the day of their discharge, they shall be treated as goods in transit, and the Egyptian custom-house shall return to the exporter the difference between the duty paid and the transit duty mentioned in article VII.

In order to obtain the drawback, the exporter must furnish proof that the import duty has been paid on the re-exported goods.

ARTICLE IX.

Importation of Egyptian products into Greece.

The productions of the soil and industry of Egypt when sent to Greece, shall pay an export duty of one per cent. ad valorem, computed on the value of the goods in the port of exportation.

For greater facility, these productions shall, as far as possible, be periodically tariffed, by mutual agreement, by the representatives of the merchants engaged in the export trade and the Egyptian customs authorities.

ARTICLE X.

Effects of consular officers exempt from examination and payment of duties.

Articles and personal effects belonging to Consuls-General and Consuls not engaged in other than consular business, not performing other duties, not engaged in commercial or manufacturing business, and not owning or controlling real estate in Egypt, shall be exempt from any examination, both when imported and exported, and likewise from the payment of duties.

ARTICLE XI.

Within thirty-six hours at most after the arrival of a vessel in an Egyptian roadstead or port, the captain or the agent of the owners shall deposit at the custom-house two copies of the manifest of cargo, certified by him to agree with the original. In like manner, captains shall, before their departure from an Egyptian port, present at the custom-house a copy of the manifest of the goods on board of their vessels. The original manifest, either on arrival or departure, shall be presented at the same time with the copies, in order to be compared with them.

Manifests of cargo to be presented and copies deposited at custom-house.

If a vessel stops in an Egyptian port for a reason that appears suspicious to the custom-house, the latter may require the presentation of the manifest, and may immediately make any search that it may deem necessary; the order of search shall, in that case, be addressed to the Greek consular officer, as provided in article V.

Any surplus or deficit that may be shown by the comparison of the manifest with the cargo shall furnish ground for the imposition of the fines provided for by the customs regulations which shall be issued by the Egyptian Government.

Fine for false manifest.

ARTICLE XII.

Any custom-house operation in Egypt, either on arrival or departure, must be preceded by a declaration signed by the owner of the goods or his representative.

Declaration signed by owner of goods or his representative required in custom-house operations.

The custom-house may, moreover, in case of dispute, require the presentation of all the documents that are to accompany any shipment of goods, such as invoices, letters, etc.

Any refusal to make the declaration on arrival or departure, any delay in making the said declaration, or any excess or deficiency found to exist between the goods and the declaration shall furnish ground for the imposition of the fines provided for by the Egyptian custom-house regulations, in each of the cases specified.

ARTICLE XIII.

The custom-house officers, the officers of the vessels belonging to the Egyptian postal-service, and the officers of national vessels, may board any sailing or steam-vessel of less than two hundred tons' burden, be that vessel at anchor or tacking, at a distance not exceeding ten kilometers from the shore, without furnishing evidence of *vis major;* they may ascertain the nature of the cargo, seize any prohibited goods, and secure evidence of any other infraction of the customs regulations.

Right of Egyptian officials to search vessels not exceeding ten kilometers from the shore

ARTICLE XIV.

Any illicit importation of goods shall furnish ground for the confiscations and fines provided for by the Egyptian customs regulations.

Confiscations and fines for illicit importations.

Decisions ordering confiscations and fines shall be communicated, within the period fixed by law, to the Greek consular officer.

ARTICLE XV.

Administrative rights not impaired.

It is understood that this convention can in no wise impair the administrative rights of the two contracting Governments, and that they may enforce any regulations calculated to promote the efficiency of the service and the repression of fraud.

ARTICLE XVI.

Duration of this convention.

The present convention shall be operative for seven years from the twentieth day of March, one thousand eight hundred and eighty-four.

At the expiration of that period, the present convention shall remain in force during the year following, and so on from year to year, until one of the contracting parties shall notify the other of its desire for the cessation of its effects, or until the conclusion of another convention.

ADDITIONAL ARTICLE.

Adoption of modifications of tariff by the interested powers.

The effect of the modifications in the present tariff which are provided for in article IV, shall be suspended until those modifications have been adopted by the other powers interested.

In testimony whereof, the undersigned have signed the present convention.

Done in duplicate at Cairo this third day of March, one thousand eight hundred and eighty-four.

N. NUBAR.
AN. BYZANTIOS.

[Office of the director-general of Egyptian custom-houses.]

CUSTOMS REGULATIONS.*

TITLE I.

GENERAL PROVISIONS.

ARTICLE I.

Customs Boundary.

Customs boundary.

The shore of the sea, and the frontiers touching the territories of the neighboring States, shall form the customs boundary.

ARTICLE II.

Zone of Surveillance.

Zone of surveillance of customs officials.

The warehousing and transportation of goods which have crossed the customs line shall be subject to the surveillance of the custom-house officers to a distance of two kilometers from the land frontier or from the sea shore, and likewise from

* Translation of a printed official French version of the customs regulations of Egypt, of April 2, 1884.

both banks of the Suez Canal and of the lakes through which that canal passes.

Outside of these limits, the transportation of goods may take place freely; nevertheless, goods removed fraudulently, and kept in sight by agents of the public force, may be seized even after they have been conveyed beyond the zone of surveillance.

The following goods may likewise be seized throughout the extent of the Egyptian territory: prohibited goods, those whose sale is monopolized by the State, and tobacco or tombac not accompanied by a *raftieh* for circulation in the interior.

Prohibited goods may be seized anywhere in Egyptian territory.

For vessels, the zone of surveillance shall extend to a distance of ten kilometers from the shore. Caravans crossing the desert, and suspected of carrying on illicit trade, shall be subjected to examination and search by the custom-house officers.

Right to search vessels extends ten kilometers from shore: Caravans subject to search.

ARTICLE III.

Passage across the customs boundary.

Goods cannot cross the customs boundary during the night, that is to say between the setting and rising of the sun.

Goods cannot cross customs boundary at night.

Throughout the extent of the maritime coast-line, it shall be allowable to enter ports and to come near the shore during the night, in localities where there are custom-houses, but no discharge, transshipment or shipment shall be made without a special authorization, in writing, from the Collector of Customs.

Vessels may approach the shore at night.

ARTICLE IV.

No shipment, discharge or transshipment of goods shall take place without the previous authorization of the custom-house, or when no custom-house officers are present.

Shipment, discharge, or transshipment of goods must be in presence or by authorization of custom-house officers.

Any shipment, discharge or transshipment shall take place at the points specially set apart for that purpose by the customs authorities.

Captains are forbidden to receive new goods on board of their vessels before having fully complied with the customs formalities relative to goods brought, unless they have received, in writing, the authorization of the Collector of Customs.

The latter may permit, by way of exception, the discharge or transshipment of goods to take place in the absence of the custom-house officers.

Discharge in absence of officials to be noted in the manifest.

In this case, he shall mention the fact in a note on the copy of the manifest.

ARTICLE V.

Of the permit to sail, otherwise known as the Tamkin

Captains, before their departure, must present at the custom-house the manifest of the goods on board of their vessels. Not until after this requirement has been complied with shall the custom-house authorize the port authorities to issue the *tamkin*.

Manifests must be presented at custom-house.

The custom-house shall be at liberty to cause a *tamkin* to be issued, even before the presentation of the manifest, to vessels represented by an agent in the port of departure, provided that

Special privilege to vessels represented by an agent.

such agent has deposited at the custom-house a written pledge to comply with this requirement within three days.

Concessions to steam navigation companies.

Steam navigation companies may, with a view to enjoying this privilege, become responsible, once for all and by means of a notarial instrument, for any infractions that may be committed by captains having charge of their vessels.

ARTICLE VI.

Declarations.

Declaration by owner or his representative.

All custom-house operations must be preceded by a declaration signed by the owner of the goods or his representative.

Who to be regarded as legitimate representative.

The custom-house shall consider the person holding the transportation company's order of delivery as the legitimate representative of the owner. (See Articles XIX and XX.)

ARTICLE VII.

Search.

Examination of goods.

As soon as the declaration has been presented at the custom-house, the goods shall be examined. The custom-house shall have the right to examine all packages, but the Collector may, according to circumstances, if he think proper, exempt from examination those packages whose declared contents may not appear to him to be proper subjects for examination.

Less than one package in ten shall not be examined.

Additional examinations.

If, after one examination, and even after the payment of the duties, any further examinations are deemed necessary, the custom-house shall always have the right to order them to be held.

Manner and place of examination.

The packages shall be opened for examination by the superior officers of the custom-house, in presence of the interested parties; the operation shall take place either in the warehouses of the custom-house, or in its offices.

Examination where fraud is suspected.

In case of suspicion of fraud, the custom-house shall, even in the absence of the interested party, proceed to open the packages, drawing up a report thereof.

Goods not warehoused, either on account of their dimensions or of their cumbersome character, may be examined outside.

Letters, etc., exempt from examination if regularly entered on a way-bill.

Bags, letters and printed documents brought by the mails, either by land or sea, shall be exempt from examination, provided they are entered upon a regular way-bill.

Postal packages to be examined.

On the other hand, all postal packages shall be subjected to examination; when there is no suspicion of fraud, this examination shall be merely a summary one, and shall be necessary only in the case of a certain number of packages to be designated by the Collector of Customs.

ARTICLE VIII.

Duties to be collected, privilege, and security of the Treasury.

Collection of duties.

Import, export and transit duties shall be collected in accordance with existing treaties and conventions.

Charges, moreover, shall be made for storage, warehousing, and porterage; for wharfage, cranes, locks, *tamkins*, sealing of packages, *raftiehs*, *keshfs*, declarations, measuring, etc., according to special regulations. Charges for storage, etc.

Payments of duties shall be made in cash, in gold or silver coin according to the tariff of the Government. Payment of duties to be in coin.

No goods shall be delivered until the duties to which they are liable shall have been duly paid. Duties required before delivery.

Goods received at the custom-house, no matter what is their destination, shall serve as security to the customs authorities, by way of privilege, for the payment of the duties, charges and fines of all kinds, due from the person to whom the goods are addressed, on account of those goods or other arrivals. Goods held as security for duties, etc.

ARTICLE IX.

Exemption from Duties.

The following articles shall be exempt from examination and from the payment of import and export duties: Articles exempt from examination and duties.

1. Articles and personal effects belonging to His Highness the Khedive. Khedive's personal effects.

2. Articles and personal effects belonging to Consuls-General and Consuls not engaged in other than consular business. Effects of consular officers.

Effects and articles belonging to religious establishments of the various religious denominations, to convents, and charitable or educational institutions, shall be exempt from import and export duties, but shall be subject to search and examination. Partial exemption for religious and certain other institutions.

These establishments shall, at the beginning of each year, send to the custom-house, through their own, or some other consular officer, a list containing an approximate statement of the articles which they intend to import in the course of the year, and of the value of those articles.

The exemption shall be suspended until the following year when the total value stated in that list shall have been reached.

This exemption is an act of pure favor on the part of the Egyptian Government; it may be refused if the custom-house finds that it is abused.

The following articles shall likewise be exempt from import and export duties, but shall be subject to examination and search:

1. Effects, household furniture, books and other articles for private use, belonging to persons who come to settle for the first time in the country. These articles shall, however, bear marks of having been used, under penalty of being subjected to the payment of the duties required by the regulations. In cases of dispute, experts shall decide. Articles exempt from duties, but subject to examination and search.

2. Personal effects brought by travelers and intended for their use.

3. Samples, when not of a nature to be sold as merchandise.

4. Samples of the productions of the soil of Egypt whose value does not exceed one hundred piasters.

5. Specie (gold or silver).

6. Gold or silver in bars.

7. Merchandise belonging to the Departments of the Government and to private citizens, which are exempt from the payment of duties, either in virtue of special orders or of conventions.

8. Articles to be used as provisions by vessels of war belonging to friendly powers, and also provisions and munitions intended for the use of merchant vessels and their crews.

All applications for free importation or exportation must be addressed to the custom-house and the following particulars must be stated: 1. The nature of the articles. 2. Their value. 3. Their marks and numbers. 4. The name of the vessel which has imported or which is to export them.

The granting of exemption from duty shall be subordinate to the condition that the name of the party for whom the goods are intended be mentioned in the bill of lading as the consignee; if the name of a third party is mentioned as such, or if the goods are simply consigned to order, the custom-house cannot grant the exemption.

An application for exemption must be signed by the party for whom the goods are intended, or by the sender if exemption from the payment of export duties is applied for.

ARTICLE X.

Goods taken from wrecked vessels.

Goods from wrecked vessels exempt from duties, if not intended for Egyptian ports.

Goods from wrecked vessels shall be subjected to no duty if they are not intended for an Egyptian port, and they may be re-exported without payment of duties as soon as the formalities concerning the wreck have been complied with.

ARTICLE XI.

Permits to leave the custom-house and keshfs.

Permits to leave the custom-house granted, after formalities have been complied with.

After the custom-house formalities have been complied with and the duties paid, a permit to leave the custom-house shall be delivered to the broker who is to remove the goods from the custom-house.

Accurate list or *keshf*, to be delivered to interested party.

At the request of the importer, and on presentation of the receipt of the cashier of the custom-house, an accurate list, or *keshf*, of the goods on which duty has been paid, shall be delivered to the interested party.

Presentation of *keshf* indispensable in case of transit goods.

The presentation of the *keshf* shall be indispensable for the free exportation of goods of foreign origin, and for the establishment of the right to the restitution of the difference between the import and the transit duties, if the re-exportation takes place within six months from the date of the removal of the goods, which date will be shown by the *keshf*.

The custom-house shall deliver no *keshf* for goods of a perishable character.

A *keshf* shall be delivered but once, and in case of its loss, it cannot be replaced.

ARTICLE XII.

Importation of productions of Egyptian origin and exportation of productions of foreign origin.

Goods brought back to Egypt liable to duty.

If a production of the country, after having been exported to a foreign country, is brought back to Egypt, it shall be liable to the payment of the import duty established on foreign productions.

In like manner, if a production of foreign origin be re-exported, it shall

be subject to the export duty which is established on productions of the country, unless it be accompanied by a *keshf* clearly establishing its identity and the date when the import duty on it was paid; in the latter case, it shall be exported duty-free. Re-exported goods subject to duty, unless, &c.

If such exportation takes place within less than six months, the restitution of the difference between the import duty and the transit duty may be claimed. In either case, however, the presentation of the *keshf* shall be indispensable, as provided in article XI.

Article XIII.

Removal of Goods from the Custom-House and Authorized Custom-House Brokers.

Goods may be removed from the custom-house after the formalities have been complied with by the party holding an order for their delivery, issued by the captain or consignee of the vessel, or by the navigation company. Order of delivery.

Nevertheless, professional custom-house brokers shall not be allowed to remove goods arriving for the account of third parties unless they fulfill the following conditions: Regulations as to custom-house brokers.

1. No custom-house broker shall carry on his business without having been authorized to do so by the custom-house authorities.

2. An application for authorization shall be made in writing, and shall be accompanied by a certificate attesting the good character of the applicant, the said certificate to be signed by two prominent merchants of well known respectability.

3. If the certificate is deemed sufficient, the authorization shall be granted, and a card of admission shall be delivered to the applicant.

4. If the recommendation is deemed insufficient, the customs authorities may require the candidate to deposit from 2,000 to 10,000 piasters, or to furnish security given by two merchants whose names are acceptable to the authorities.

5. The deposit or security shall guaranty to the customs authorities the payment of any fines that may be imposed upon the broker by reason of infractions of which he may be found guilty.

6. Any custom-house broker may be suspended from his functions by the Director General of custom-houses, for a determined period, according to the gravity of the offence or irregularity committed, and that without prejudice to the payment of the penalties incurred. For the first time, the penalty shall not exceed six months. It may be for one year if the offence is repeated. The interested party shall be notified, in writing, of such punitory measure, and the notice sent him shall contain a statement of the reasons for the adoption of such measure.

7. Persons permanently employed by third parties shall be liable to the same fines and penalties as professional custom-house brokers.

Title II.

IMPORTATION AND TRANSPORTATION OF GOODS FROM ONE CUSTOM-HOUSE TO ANOTHER.

Article XIV.

Presentation of goods at Frontier Custom-Houses.

Goods to be imported by land must be presented at the custom-house nearest to the frontier. Importation by land.

If the custom-house is inside of the line, the goods must come by the usual route, without any deviation.

If the nearest custom-house cannot receive them, they shall be taken to the nearest custom house that can receive them, but the parties having them in charge shall provide themselves, at the first custom-house, with a certificate stating that they have presented themselves there, and have subjected their goods to a summary examination.

If the nearest custom-house is not more than ten kilometers distant, the goods shall be escorted by custom-house officers.

ARTICLE XV.

Manifest of Cargo.

Original manifest must be presented, and copies deposited at custom-house.

In thirty-six hours after the arrival of a vessel in an Egyptian roadstead or port, the captain or agent of the owners shall deposit at the custom-house two copies of the manifest of cargo, certified by him to agree with the original. The original manifest must be presented at the same time, in order that it may be compared with the copies.

The presentation of the manifest may be required, no matter what be the reason of the vessel's putting into port, and no matter how long she may remain there.

Manifest to be accompanied by clearance in certain cases.

If the vessel is from an Egyptian port, the manifest of cargo must be accompanied by the clearance from that port, unless the vessel has been exempted from procuring that document according to Article V.

Explanations and production of papers.

If the Collector of Customs doubts the agreement of the statements made in the manifest with the cargo, the captain must give all the explanations and produce all the papers that may be deemed necessary.

Receipt of storekeeper of custom-house for goods, and delivery of copy of manifest.

The storekeeper of the custom-house, after the discharge of the goods destined for the port of arrival, shall receipt therefor on the copy of the manifest. This copy shall afterwards be delivered to the interested party.

If the entire cargo is intended for another port, the custom-house shall simply place its *visé* on the copy of the manifest.

Stay of vessels in port.

Vessels whose cargo is intended for another port, or which arrive in ballast, shall not remain in the port of arrival, except for some reason over which they have no control, for more than three weeks. During their entire stay they shall be under the surveillance of the custom-house.

If these vessels desire to prolong their stay in the port on account of repairs, damages, adverse winds, lack of freight, etc., they shall not be allowed to do so unless by special authorization from the custom-house. Such authorization shall not be granted unless the reasons stated appear to be valid.

In default of authorization, the vessel must leave the port without delay, and before its departure it shall be subject to search by the custom-house officers.

If a vessel stops in a port for a reason that appears suspicious to the custom-house, the latter may require the immediate presentation of the manifest, and may make any search that it may think proper.

ARTICLE XVI.

Manifest of Importation.

In the manifest the following particulars must be stated:

The name of the vessel.

The port whence she hails and those where she has called during her voyage.

Particulars to be stated in the manifest.

A succinct statement of the various kinds of goods of which the cargo is composed.

The number and nature of the packages.

Their marks and numbers.

The total number of packages must be repeated in full.

The manifest and the two copies must be written without corrections, erasures or alterations.

In case any of the above requirements has not been complied with, the manifest shall be returned and considered as not having been presented.

ARTICLE XVII.

Discharge of Cargo.

Duties of custom-house officers in discharge of cargo.

A custom-house officer shall mark on one of the copies of the manifest, in presence of the captain of the vessel or his representative, the packages and goods discharged.

Goods shall be taken to the custom-house for examination and registry.

That portion of the cargo which is to be conveyed to another destination shall remain on board, and its departure shall be legitimized when the vessel sails, by means of a permit issued by the custom-house to the captain.

The custom-house shall have the right to place guards on board of any vessel, and to take such measures as it may think proper for the prevention of any unauthorized shipment, discharge or transshipment.

If the quantity of goods or the number of packages discharged is less than the quantity or number stated in the manifest, the captain or his representative shall be required to furnish a satisfactory explanation of the discrepancy. If the missing goods or packages have not been shipped, if they have not been discharged, or if they have been discharged at a place other than that of their original destination, this must be shown by means of authentic documents establishing the fact.

If the goods or packages mentioned in the manifest are not found, and if their value is claimed by the shipper or the party to whom they were sent, the captain or his representative shall be required to furnish proof that they have paid such value.

If the explanations required by this article cannot be given within twenty-four hours, the captain or his representative shall be required to furnish security or to deposit the amount of the fine provided for in article XXXVIII; in this case, a delay not exceeding four months may be granted to him in order to enable him to furnish such explanations.

ARTICLE XVIII.

Declarations.

Presentation of declaration required by Article VI.

The declaration required by article VI shall be presented at the custom-house within eight days after the discharge of the cargo.

That time having expired, a storage duty (*ardich*) shall be collected on the goods, in accordance with the special regulations on this subject.

The custom-house may require the exhibition of all papers that properly accompany a shipment of goods, such as invoices, insurance policy, correspondence, etc.

When the owner of any goods requests it, he may be authorized to examine the contents of packages received for his account before preparing a declaration thereof.

After the declaration has been presented, it cannot be modified without a valid excuse, or without an authorization, in writing, from the Collector of Customs.

Declaration not to be altered.

A permit to open packages for the purpose of examining their contents is given by the Collector of Customs, or by the Inspector in chief, who designates the officer who is to be present at the examination.

Opening of packages.

ARTICLE XIX.

Form of a Declaration.

What the declaration must state.

Declarations shall be made in writing according to forms printed by the custom-house.

They shall state:

1. The christian name, surname, nationality and domicile of the declarer.

2. The places where the goods are from, their origin and destination, together with the name of the vessel which has transported them, or which is to transport them.

3. The kind of goods, their number, nature, marks, and the numbers marked on the packages.

4. The value of the goods.

If the value is not known to the declarer, the custom-house shall cause the same to be estimated by its appraisers.

ARTICLE XX.

Consequences of a Failure to present the Manifest or Declaration.

Refusal to exhibit manifest or other necessary papers.

A refusal to exhibit the manifest or other necessary papers, or any delay in so doing, shall give the custom-house the right to have the goods discharged at the expense and risk of the captain or owners, and to keep the goods in the warehouses of the custom-house.

Refusal to present declaration.

A refusal to present the declaration, or any delay in so doing, or a refusal to withdraw the goods within the space of six months from the day on which they were placed in the custom-house, shall give the customs authorities the right to sell them, in due form, at public auction, by giving a single notice to the owner, either directly, or by means of an advertisement inserted in a newspaper published in the nearest city or town.

Perishable goods.

Perishable goods, such as liquids, fruits, etc., cannot remain in the custom-house any longer than their condition allows them to be kept. If they are not then withdrawn, the custom-house shall

cause a statement to be drawn up of the failure to remove them in time, and shall sell them, without being obliged to summon the owner.

The opening and sale of abandoned packages shall take place, in case of the absence of the interested parties, in the presence of the representatives of the consular or native authorities, according to the nationality of the interested party. Sale of abandoned packages.

If, after having been summoned, the representatives of said authorities fail to appear, a statement of such failure shall be prepared, and the goods shall be sold.

The proceeds of the sales, after customs duties, storage, fines and all other charges have been deducted, shall remain on deposit among the funds of the Customs Department and at the disposal of the owner.

If said deposit is not claimed within three years, it shall be forfeited to the Customs Department.

Until the sale has actually been consummated, the owner of the goods may withdraw them by paying the duties and all other charges, including those for auction and brokerage, if there are any.

ARTICLE XXI.

Shipments of Foreign Goods from one Custom-House to another.

Packages of foreign goods which are to be sent from one custom-house to another before the duties have been paid, cannot be removed until after a declaration has been made. Goods not to be removed until after declaration.

A detailed declaration is not necessary unless the packing of the goods is defective; such declaration may refer simply to the value of the goods if they have been properly packed. Form of declaration.

The packages must be accompanied by an *elm-khaber;* they must, moreover, be placed under the guaranty of the seal of the custom-house. Packages whose value is less than thirty piasters, and goods which, owing to their nature, cannot be sealed, shall be exempted from sealing. Packages must be accompanied by an *elm-khaber.*

In case of transportation by rail, the shipment shall take place under the supervision of the custom-house, which shall take out the bills of lading and send them to the customs authorities of the place of destination.

The custom-house shall send the *elm-khaber* to the owner of the packages for inspection on their arrival.

If the shipment takes place by any other land conveyance, the owner shall deposit the import duties, or give security for the amount of those duties.

Goods of foreign origin, on which the duties have already been paid, and which shall be exported by sea to another Egyptian port, shall be subjected to no additional duty.

The custom-house of the port from which the goods are shipped shall simply require the consumption duties to be deposited; these shall be refunded to the interested party on presentation of a certificate from the custom-house to which the goods are sent, showing that they have arrived.

ARTICLE XXII.

Discharge of the Elm-Khaber.

Duty on goods remaining over time at custom-house.

On the arrival of the goods at the custom-house to which they have been sent, the party to whom they have been sent must, within seven days, declare their final destination, unless it is already stated in the *elm-khaber*, or he must withdraw the goods, paying the duties thereon. If the goods are allowed to remain at the custom-house after the expiration of the time above specified, they shall be liable to the *ardieh* duty.

Certificate of discharge.

On the arrival of the goods, their identity shall be verified; if they are found to be in accordance with the statements made in the *elm-khaber*, a certificate of discharge shall be delivered to the party to whom they are sent; if, on the other hand, the examination shows any differences, and if the packages bear marks of having been tampered with on the way, the certificate shall be refused, or shall be given for such part of the goods only as may be found to accord with the statements made in the *elm-khaber*. A report shall be prepared stating the condition of the goods at the time of the examination.

A certificate of discharge may be delivered for such packages as were not subjected, when shipped, to a thorough examination, but which, having been found to be well packed, were simply sealed; this may be done, when they are found, on their arrival, to be intact, and to bear no marks of any alteration.

The return of the certificate of discharge to the custom-house whence the shipment took place shall entitle the party to whom it was issued to have his deposit refunded, or his security shall be released in consequence thereof.

ARTICLE XXIII.

Exportation of Egyptian Goods from one Custom-House to another.

Rules regulating conveyance of Egyptian goods from one custom-house to another.

Native goods, that is to say productions of the soil or industry of Egypt, that shall be conveyed by sea to another Egyptian port, shall be subject to the following rules:

1. If these goods are to be sent to a maritime town which is subject to town-dues, and which has no custom-house, the shippers must deposit at the custom-house whence the shipment takes place a duty of eight per centum until a certificate shall have been presented showing that these productions have duly reached their destination.

2. If these goods are to be sent to a city not subject to town-dues, they must pay, when forwarded, a duty of eight per centum, which shall not be refunded.

In the former case the goods are to be accompanied by an *elm-khaber;* in the latter they are to be accompanied by a *raftieh.*

The *elm-khaber* shall be discharged on the arrival of the goods, in the manner provided in the foregoing article.

TITLE III.

OF TRANSIT.

ARTICLE XXIV.

Goods in Transit.

Goods that are to cross the territory shall be subject, as regards the written declaration and the examination, to the rules established for the entry of foreign goods subject to custom duties, and as regards shipment or forwarding, to the rules established for the transportation of goods from one custom-house to another. Regulations as to goods that are to cross the land.

After the examination of the goods in transit, an *elm-khaber* shall be delivered to the owner or shipper on payment of the transit duty established by the treaties and conventions, and on his depositing or furnishing security for a sum equal to the amount of the difference between the transit duty and the import duty.

The custom-house shall state, in the *elm-khaber*, the time when the goods must be presented at the shipping office. This time may be fixed at ten days at least, and at six months at most, according to the distance that the goods may have to go.

Packages in transit shall be subject to sealing.

ARTICLE XXV.

Discharge of the Transit Elm-Khaber.

When the identity of the goods shipped in transit has been ascertained and they have been sent, the *elm-khaber* shall be visaed by the custom-house whence the goods are shipped. Identification of goods, and discharge of the *elm-khaber*.

The presentation at the aforesaid custom-house of the visaed *elm-khaber* shall entitle the party who has made the deposit to the return thereof, or to the release of the security furnished by him.

If, at the expiration of the time fixed by the *elm-khaber*, the discharge is not presented at the custom-house whence the goods were shipped, the latter shall be considered as having been placed in the market, and the amount of the deposit shall be forfeited to the custom-house. If any security has been furnished, the Customs Department shall hold the party who furnished it to the payment of the duty guaranteed.

In case of the loss, duly proved, of the transit *elm-khaber* after having been visaed by the custom-house whence the goods were shipped, that custom-house shall be obliged to issue a certificate to take the place of the *elm-khaber*. Loss of the *elm-khaber*.

In case of the total loss of the goods, duly proved, there shall be ground for the restitution of the sum deposited as security.

TITLE IV.

CONCERNING EXPORTATION.

ARTICLE XXVI.

Manifest.

Manifest of exportation.

The manifest of exportation shall be presented at the custom-house of the port of departure according to the rules established in Article V.

ARTICLE XXVII.

Declaration.

Declaration of goods intended for exportation.

Goods intended for exportation must be declared. The declaration shall take place according to the rules established in Articles XVIII and XIX.

Permit of shipment.

The custom-house, after having examined the goods and collected the export duties, shall deliver, together with the receipt for said duties, a permit for shipment which shall be exhibited to the officer on guard in the port of exportation.

Duties not to be refunded.

The duties shall not be refunded, even if the exportation does not take place.

Goods for exportation: when dutiable; and when not.

Goods brought to the custom-house for exportation shall be subject to no *ardieh* duty during twenty-four hours; at the expiration of that time, they shall be subject to that duty, unless it has been impossible to ship them by reason of bad weather, or lack of means of transportation, etc.

Exemption from the payment of *ardieh* duties on account of *vis major*, shall, however, only be granted in the case of goods on which export duties have previously been paid.

TITLE V.

CONCERNING CIRCULATION AND THE COAST TRADE.

ARTICLE XXVIII.

Shipping of Egyptian Goods.

Egyptian goods to retain nationality.

Egyptian goods that are sent by sea from one place to another in the territory shall retain their nationality provided that they have touched no foreign territory.

If a vessel engaged in the coast trade shall touch, owing to *vis major*, in a foreign port, the goods shall not lose their nationality for that reason.

ARTICLE XXIX.

Seals to be affixed to packages.

Coastwise trade.

Packages conveyed by vessels engaged in the coastwise trade must be sealed if the custom-house requires it.

TITLE VI.

PROVISIONS RELATIVE TO SURVEILLANCE.

ARTICLE XXX.

Prohibition to put in where there is no custom-house.

All vessels, no matter what may be their tonnage, are hereby forbidden, except in case of *vis major*, to put in at any point where there is no custom-house. Exception as to *vis major*.

ARTICLE XXXI.

Surveillance in the Suez Ship-Canal and at the Mouths of the Nile.

In the Suez Ship-Canal and in the lakes which it crosses, as well as at the mouths of the Nile, it is forbidden to land or to communicate with the shore so as to be able to take in or discharge cargo without being observed by the custom-house officers, except in case of *vis major*. Prohibition as to landing or communicating with the shore.

It shall be the duty of the custom-house officers to stop and search any sailing vessel that may appear suspicious, and to take it to the nearest custom-house, making a report of their proceedings.

ARTICLE XXXII.

Surveillance at Sea.

Custom-house officers may, within a radius of ten kilometers from the shore, board vessels of less than two hundred tons' burden, and demand the presentation of the manifest and other papers relating to the cargo. Custom-house officers may demand papers within ten kilometers from shore.

If a vessel bound to an Egyptian port has no manifest or shows any indications of fraudulent practices, the officers must accompany her to the nearest custom-house, drawing up a report of their proceedings. Indications of fraud.

If any vessel of less than two hundred tons' burden, bound to a foreign port, is found within the aforesaid radius without a manifest, or with a manifest that does not contain the customary statements, the custom-house officers may escort her outside of the radius of surveillance, or, if there is any indication of fraud, they may compel her to accompany them to the nearest or most convenient custom-house, drawing up a report of their action.

The custom-house officers, the officers of the vessels engaged in the Egyptian postal-service, and the officers of national vessels may board any sailing or steam vessel of less than two hundred tons' burden that has cast anchor or that is found tacking within ten kilometers from the shore, without being able to furnish evidence of *vis major*.

If they find any goods on board whose importation or exportation is prohibited, they shall summarily confiscate the same, drawing up a report stating that the vessel has been found within the limits of the radius of surveillance, at anchor without any necessity therefor, or sailing in such a manner as was justified neither by its destination nor by a case of *vis major*. Confiscation of goods.

Pursuit and seizure of vessels.

If the officers of the custom-house, those of the vessels engaged in the Egyptian postal-service or those of national vessels give chase to a vessel of less than two hundred tons' burden, and if the latter refuses to allow them to board her, they shall hoist the flag and pennant of their vessel, and warn the refractory vessel by means of a blank shot. If she does not yet stop, a cannon ball shall be fired among her sails. After this double warning, the pursuing vessel shall make serious use of the arms which she has on board. The pursuit may be continued, and the vessel may be seized outside of the radius of ten kilometers.

For vessels of more than two hundred tons' burden, the surveillance shall be confined to observation of their movements along the shore; in case of an attempt to set goods ashore, or to put them in boats, or to transship them, the aforesaid officers may compel the vessel to accompany them to the nearest or most convenient custom-house, drawing up a report of the infraction committed by it.

Vessels belonging to a foreign power not subject to search.

The aforesaid officers shall search no vessel of any kind that belongs to a foreign power; they shall confine themselves to watching its movements, and in case there is any indication of smuggling, they shall report what they have seen to the Director of Customs.

In the cases above provided for, the reports of the searches must be communicated to the consular officer under whose jurisdiction the offender is, if that officer shall so request.

TITLE VII.

CONCERNING SMUGGLING.

ARTICLE XXXIII.

Custom-house commission to investigate charges of smuggling.

After any seizure for smuggling, the Collector of Customs and three or four of the principal custom-house officers, shall resolve themselves into a custom-house commission, and, after having investigated the case, they shall decide whether there is ground for confiscation and for the imposition of a fine.

Confiscation of goods.

The goods may be confiscated, as well as all means of transportation and all instruments used in smuggling.

Fines.

A fine may be imposed, whatever be the nature of the goods seized; it shall be equal to double the amount of the import duty; and, in case of a repetition of the offense, it may be increased to four times, and afterwards to six times that amount.

Decision of commission.

The decision of the custom-house commission shall mention the date of the seizure, the circumstances under which it took place, the names and rank of the seizors, the witnesses and the accused, the kind and quantity of the goods, and the grounds for the decision reached.

A copy of this decision, signed by the Collector or some person deputed to do so by him, shall, on the day on which it is made or the day following, be sent directly by the custom-house to the consular or native officer under whose jurisdiction the accused is.

When decision becomes final.

In default of objection made by the accused and communicated to the custom-house within fifteen days from the date of the delivery of the copy to the officer aforesaid, this decision shall become final, and no appeal therefrom shall be admissible.

Appeal to commercial court.

If the accused thinks proper to object, his objection shall be laid before the commecial court having jurisdiction in the case.

The decisions of the custom-house commission shall be received as evidence until the statements therein made shall be charged with falsity.

The reports made by custom-house officers shall be received as evidence until the contrary shall have been proved.

If the final judicial decision rendered relative to the objection declares the decision of the custom-house commission to be erroneous, the owner of the goods shall be entitled to an indemnity equal to the damage that he may have suffered in consequence of the seizure. Indemnity to injured owner.

If the objection is set aside, the accused shall be liable to a fine equal to ten per cent. of the value of the articles seized. Fine if appeal fails.

An appeal cannot legally be taken unless the party shall have deposited the amount of the condemnations resulting from the judgment in first instance and the amount of the said fine of ten per centum. Conditions of appeal.

The Customs Department shall always have power to compromise with the accused by reducing the penalty to a fine which shall be fixed according to circumstances, but which shall in no case be less than double the amount of the import duty. Customs Department may compromise with the accused.

Article XXXIV.

Penalties in cases of smuggling shall be applicable to the perpetrators, instigators, transporters and accomplices of the frauds and to the owners of the goods, jointly and severally. Penalties in cases of smuggling.

Article XXXV.

In addition to ordinary cases of attempted smuggling, the following shall be considered as contraband, and shall be treated according to the above rules: Contraband.

1. Foreign goods landed irregularly in ports or on coasts, having been taken out of their way or discharged before reaching the first custom-house.

2. Foreign goods attempted to be discharged or transshipped without having been manifested, or those found on board of vessels whose burden does not exceed fifteen tons, bound to an Egyptian port and having no manifest.

3. Foreign goods found in the Suez ship-canal and the lakes which it crosses, or in the mouths of the Nile, on board of vessels which put in to, or which are in communication with the shore, without the written authority of the Customs Department; or on board of vessels which run along the shore, cast anchor and put in where there is no custom-house.

Goods found as above shall, however, not be considered as contraband if proper evidence of *vis major* can be furnished. Exception.

4. Foreign goods found on the person, among baggage, in boats or carriages, or concealed in packages, articles of furniture or other goods, in such a manner as to furnish ground for the presumption of an intent to avoid the payment of duties thereon.

5. Foreign goods removed from the custom-house without a permit to do so.

6. Foreign goods deposited in the desert beyond the customs boundary, and in such a manner as to be suspicious.

7. Foreign goods re-exported by sea or shipped on board of vessels engaged in the coastwise trade, without a *raftieh*, when said vessels are of less than five tons' burden.

8. Foreign goods which, after the delivery of the *tamkin* at their departure, shall be loaded upon vessels, or, generally, all goods liable to the export duty that shall be exported or attempted to be exported without having been presented at the custom-house.

In this case the fine to be imposed in addition to the confiscation shall be equal to sixteen times the export duty, and may, in case of a repetition of the offense, be increased to double, and afterwards to sixfold that amount.

All goods prohibited by the Government, together with tobacco and tombac, sold on the coast or in the interior, in violation of the regulations, or found at any point without a *keshf*, *raftieh* or seal, shall likewise be considered as contraband, and shall be treated according to the same rules.

TITLE VIII.

CONCERNING INFRACTIONS.

ARTICLE XXXVI.

Infractions shall be punished by a fine that shall be collected, jointly and severally, from the perpetrators thereof, and from their instigators and accomplices, and also from the owners of the goods and captains of the vessels; the latter shall, moreover, be responsible for any infractions that may be committed by the crew.

Collection of fines for infractions.

Goods and vessels to be treated as guarantee for duties and fines.

The goods and vessels shall serve as a guarantee for the amount of the duties and fines, without prejudice to the provisions of article VIII, paragraph 5, or to any other action.

The fine may not be imposed if proper evidence is furnished of the existence of *vis major;* the evidence must, in this case, be duly furnished before the withdrawal of the goods or the departure of the vessels; the custom-house may even grant an extension of the time.

Fine not to be imposed in case of *vis major*.

ARTICLE XXXVII.

Any infraction of the provisions of these regulations, or of any others that have been regularly adopted, when such infraction is not included in one of the cases hereinafter provided for, shall be punished by a fine, the amount of which shall be fixed by the Collector of customs. Such fine shall not be less than one-half the amount of the duty, or more than six times the same amount, and, in cases not provided for, and not connected with an importation or exportation of goods, the fine shall be from one hundred to five thousand Turkish piasters.

Infractions to be punished by a fine.

The collection of these fines shall be independent of the duties payable according to the treaties, laws and regulations.

ARTICLE XXXVIII.

If any differences in excess exist between the goods and the statements made in the manifest, the captain shall pay a fine which shall not

be less than the amount of the duty, or more than three times the said amount for each package not mentioned in the manifest.

Fines in cases of discrepancy between goods and manifest.

If any of the packages in excess have the same marks and numbers as other packages mentioned in the manifest, those that are subject to the highest duty shall be considered as not manifested.

For each package mentioned in the manifest and not presented, there shall be collected, according to article XVII, a fine which, in addition to the duty (which shall be estimated according to the statements contained in the documents presented), shall not be less than one hundred or more than one thousand Turkish piasters.

The fine in the case of goods laden loosely according to the manifest, may be raised to five thousand Turkish piasters.

Nevertheless, discrepancies in excess not exceeding ten per cent., and deficiencies not exceeding five per cent., shall entail no fines.

ARTICLE XXXIX.

For any difference in quantity, value, weight or quality between the written declaration and the goods presented for examination, a fine shall be collected which shall not be less than one fifth of the amount of the duty, or more than the whole of that amount.

Fine for discrepancy between goods and declaration

There shall be no ground for the imposition of any fine if the differences in quantity, weight or value do not exceed five per cent.

ARTICLE XL.

Captains of vessels shall be liable to a fine of from one thousand to ten thousand Turkish piasters, in the following cases:

Captains of vessels liable to fine in certain cases.

1. If they shall refuse to produce the legal manifest of their cargo, or if they shall have no such manifest.
2. If they shall refuse to allow the custom-house officers to come on board.
3. If they shall sail or attempt to sail without permission from the custom-house.
4. If they shall violate any other provision of article XV.

Always without prejudice to cases of contraband.

The fine shall be from four hundred to two thousand Turkish piasters in the following cases:

1. In case the vessels are not moored in the places designated.
2. In case the discharge, lading and shipment of goods take place without the permission of the custom house, or not in the presence of the custom-house officers.
3. In case of delay in the presentation of the manifest.
4. In case of a failure to present at the custom-house the *raftieh* or *elm-khaber*, which must accompany goods carried by vessels engaged in the coasting trade, or conveyed from one custom-house to another by sea.
5. In case of the shipment of goods without permission, before the operations connected with the discharge are finished.

ARTICLE XLI.

Fine for want of previous declaration.

The fine shall be from one hundred to one thousand Turkish piasters in case the previous declaration provided for by articles VI, XVIII and XXVII of these regulations shall not have been made.

ARTICLE XLII.

Fine in certain cases.

The fine shall be from four hundred to four thousand Turkish piasters:

1. In case of an attempt to import or export goods otherwise than according to the rules prescribed, or during the night in the case of goods exempt from the import or export duty.

2. In case the goods sent to another custom-house, or in transit, shall arrive at the custom-house to which they were bound after the expiration of the period mentioned in the *raftieh* or *elm-khaber*, without proper justification of the delay.

3. In case packages that have been examined and shipped in transit, or that are bound to another custom-house, shall be tampered with on the outside.

4. In case of delay on the part of those who have furnished security in making the payments prescribed by article XXV, paragraph 3.

TITLE IX.

CONCERNING SEARCHES.

ARTICLE XLIII.

Search of houses and stores.

In case fraud is suspected, officers may search the houses or stores of private individuals.

Such searches shall not, however, be made otherwise than in pursuance of a written order from the Collector of Customs, and in presence: 1. Of an officer whose rank is above that of Inspector, at least; 2. Of a representative of the Government, and, in cities in which Municipalities are established, of a representative of the municipal authority.

Searches must be made between the rising and setting of the sun.

A duplicate of the order directing a search shall be sent to the Consular officer interested, who may at once send a representative, if he thinks proper. The failure of that officer to do so, shall not, however, cause any delay in, or be any obstacle to the search.

The statement prepared by the custom-house officers must give the statements and observations of the person in whose house the search has been made, or in case of his absence, the statements and observations of his representatives or domestics.

The interested party, or, in his absence, his representatives or domestics, shall be requested to sign the statement.

ARTICLE XLIV.

Former provisions.

Provisions at variance with foregoing regulations repealed.

All provisions at variance with those contained in the foregoing regulations are hereby repealed.

The Egyptian Government may adopt, for the proper management of
he service and for the repression of fraud, such other
easures, similar to the foregoing, as may have been shown
y experience to be desirable.

Egyptian Government may adopt proper additional measures.

A. CAILLARD,
Director General of Custom-Houses.

Examined and approved:
MUSTAPHA FEHMY,
Minister of Finance.
CAIRO, *April 2d*, 1884.

Explanation of foreign terms employed in the Egyptian customs regulations.

Ardieh: Storage duty.
Elm-Khaber: A carefully prepared, detailed, and descriptive list.
Keshf: Invoice or list of goods.
Raftieh: Receipt for payment of customs duties.
Tamkin: Permit to sail.
Vis major: A condition entirely beyond the control of the person concerned.

FRANCE.

1778.*

TREATY OF AMITY AND COMMERCE.

Concluded February 6, 1778; *Ratified by the Continental Congress May* 4, 1778; *Ratifications exchanged at Paris July* 17, 1778.

The Most Christian King, and the thirteen United States of North America, to wit, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, willing to fix in an equitable and permanent manner the rules which ought to be followed relative to the correspondence and commerce which the two parties desire to establish between their respective countries, States, and subjects, His Most Christian Majesty and the said United States have judged that the said end could not be better obtained than by taking for the basis of their agreement the most perfect equality and reciprocity, and by carefully avoiding all those burthensome preferences which are usually sources of debate, embarrassment and discontent; by leaving, also, each party at liberty to make, respecting commerce and navigation, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages. It is in the spirit of this intention, and to fulfil these views, that His said Majesty having named and appointed for his Plenipotentiary, Conrad Alexander Gerard, Royal Syndic of the city of Strasbourg, Secretary of His Majesty's Council of State; and the United States, on their part, having fully impowered Benjamin Franklin, Deputy from the State of Pennsylvania to the General Congress, and President of the Convention of said State, Silas Deane, late Deputy from the State of Connecticut, to the said Congress, and Arthur Lee, Councellor at Law; the said respective Plenipotentiaries, after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles:

Negotiators.

ARTICLE I.

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the Most Christian King, his heirs and successors, and the United States of America; and the subjects of the Most Christian King and of the said States; and between the countries, islands, cities and towns situate under the juris-

Declaration of amity.

* See notes: "Abrogated, suspended or obsolete treaties."

diction of the Most Christian King and of the said United States, and the people and inhabitants of every degree, without exception of persons or places; and the terms hereinafter mentioned shall be perpetual between the Most Christian King, his heirs and successors, and the said United States.

ARTICLE II.

The Most Christian King and the United States engage mutually not to grant any particular favour to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favour, freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Most favored nation privileges.

ARTICLE III.

The subjects of the Most Christian King shall pay in the ports, havens, roads, countries, islands, cities or towns of the United States, or any of them, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade navigation and commerce, whether in passing from one port in the said States to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

No discrimination in duties in the United States.

ARTICLE IV.

The subjects, people and inhabitants of the said United States, and each of them, shall not pay in the ports, havens, roads, isles, cities and places under the domination of His Most Christian Majesty, in Europe, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, whether in passing from one port in the said dominions, in Europe, to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

No discrimination in duties in France.

ARTICLE V.

In the above exemption is particularly comprised the imposition of 100 sols per ton, established in France on foreign ships; unless when the ships of the United States shall load with the merchandise of France for another port of the same dominion, in which case the said ships shall pay the duty above-mentioned so long as other nations the most favoured shall be obliged to pay it. But it is understood that the said United States, or any of them, are at liberty, when they shall judge it proper, to establish a duty equivalent in the same case.

Particular exemption.

ARTICLE VI.

The Most Christian King shall endeavour by all the means in his power to protect and defend all vessels and the effects belonging to the subjects, people or inhabitants of the said United States, or any of them, being in his ports, havens or roads, or on the seas near to his countries, islands, cities or towns, and to re-

Protection granted to vessels of the United States.

cover and restore to the right owners, their agents or attornies, all such vessels and effects which shall be taken within his jurisdiction; and the ships of war of His Most Christian Majesty, or any convoy sailing under his authority, shall upon all occasions take under their protection all vessels belonging to the subjects, people or inhabitants of the said United States, or any of them, and holding the same course, or going the same way, and shall defend such vessels, as long as they hold the same course or go the same way, against all attacks, force and violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the Most Christian King.

Article VII.

Protection granted to French vessels.

In like manner the said United States and their ships of war, sailing under their authority, shall protect and defend, conformable to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the Most Christian King, and use all their endeavours to recover and cause to be restored the said vessels and effects that shall have been taken within the jurisdiction of the said United States, or any of them.

Article VIII.

Treaties with the Barbary Powers.

The Most Christian King will employ his good offices and interposition with the King or Emperor of Morocco or Fez, the regencies of Algier, Tunis, and Tripoli, or with any of them; and also with every other Prince, State or Power, of the coast of Barbary, in Africa, and the subjects of the said King, Emperor, States and Powers, and each of them, in order to provide as fully and efficaciously as possible for the benefit, convenience and safety of the said United States, and each of them, their subjects, people and inhabitants, and their vessels and effects against all violence, insult, attacks or depredations on the part of the said Princes and States of Barbary, or their subjects.

Article IX.

Fisheries.

The subjects, inhabitants, merchants, commanders of ships, masters and mariners of the States, provinces and dominions of each party respectively shall abstain and forbear to fish in all places possessed or which shall be possessed by the other party; the Most Christian King's subjects shall not fish in the havens, bays, creeks, roads, coasts or places which the said United States hold or shall hereafter hold; and in like manner the subjects, people and inhabitants of the said United States shall not fish in the havens, bays, creeks, roads, coasts or places which the Most Christian King possesses or shall hereafter possess; and if any ship or vessel shall be found fishing contrary to the tenor of this treaty, the said ship or vessel, with its lading, proof being made thereof, shall be confiscated. It is, however, understood that the exclusion stipulated in the present article shall take place only so long and so far as the Most Christian King or the United States shall not in this respect have granted an exemption to some other nation.

Article X.

Fisheries on banks of Newfoundland.

The United States, their citizens and inhabitants, shall never disturb the subjects of the Most Christian King in the enjoyment and exercise of the right of fishing on the banks of Newfoundland, nor in the indefinite and exclusive right which belongs to

them on that part of the coast of that island which is designed by the treaty of Utrecht; nor in the rights relative to all and each of the isles which belong to His Most Christian Majesty; the whole conformable to the true sense of the treaties of Utrecht and Paris.

(*a*) ARTICLE XI.

Citizens of United States exempt from droit d'aubaine, and may dispose of their estate.

The subjects and inhabitants of the said United States, or any one of them, shall not be reputed *aubains* in France, and consequently shall be exempted from the *droit d'aubaine*, or other similar duty, under what name soever. They may by testament, donation or otherwise, dispose of their goods, moveable and immoveable, in favour of such persons as to them shall seem good,

(*a*) The two articles following were originally agreed to, but afterwards rescinded, to wit:

ARTICLE XI.

It is agreed and concluded that there shall never be any duty imposed on the exportation of the melasses that may be taken by the subjects of any of the United States from the islands of America which belong or may hereafter appertain to His Most Christian Majesty.

ARTICLE XII.

In compensation of the exemption stipulated by the preceding article, it is agreed and concluded that there shall never be any duties imposed on the exportation of any kind of merchandize which the subjects of His Most Christian Majesty may take from the countries and possessions, present or future, of any of the thirteen United States, for the use of the islands which shall furnish melasses.

Act of France rescinding the foregoing articles:

[Translation.]

The General Congress of the United States of North America, having represented to the King that the execution of the eleventh article of the treaty of amity and commerce, signed the sixth of February last, might be productive of inconveniences; and having, therefore, desired the suppression of this article, consenting in return that the twelfth article shall likewise be considered of no effect: His Majesty, in order to give a new proof of his affection, as also of his desire to consolidate the union and good correspondence established between the two States, has been pleased to consider their representations: His Majesty has consequently declared, and does declare by these presents, that he consents to the suppression of the eleventh and twelfth articles aforementioned, and that his intention is that they be considered as having never been comprehended in the treaty signed the sixth of February last.

Done at Versailles the first day of the month of September, one thousand seven hundred and seventy-eight.

GRAVIER DE VERGENNES.

Act of the United States rescinding the foregoing articles:

DECLARATION.

The Most Christian King having been pleased to regard the representations made to him by the General Congress of North America, relating to the eleventh article of the treaty of commerce, signed the sixth of February, in the present year; and His Majesty having, therefore, consented that the said article should be suppressed, on condition that the twelfth article of the same treaty be equally regarded as of none effect; the aforesaid General Congress hath declared on their part, and do declare, that they consent to the suppression of the eleventh and twelfth articles of the above-mentioned treaty, and that their intention is, that these articles be regarded as having never been comprised in the treaty signed the sixth of February.

In faith whereof, &c.,

B. FRANKLIN.
ARTHUR LEE.
JOHN ADAMS.

and their heirs, subjects of the said United States, residing whether in France or elsewhere, may succeed them *ab intestat*, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or impeded under pretext of any rights or prerogative of provinces, cities or private persons; and the said heirs, whether such by particular title, or *ab intestat*, shall be exempt from all duty called *droit detraction*, or other duty of the same kind, saving nevertheless the local rights or duties as much and as long as similar ones are not established by the United States, or any of them. The subjects of the Most Christian King shall enjoy on their part, in all the dominions of the said States, an entire and perfect reciprocity relative to the stipulations contained in the present article, but it is at the same time agreed that its contents shall not affect the laws made, or that may be made hereafter in France against emigrations which shall remain in all their force and vigour, and the United States on their part, or any of them, shall be at liberty to enact such laws relative to that matter as to them shall seem proper.

Like provisions granted to subjects of France in the United States.

Article XII.

The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage and the species of goods on board her there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband.

Proof of nationality of vessels.

Article XIII.

If by the exhibiting of the abovesaid certificates the other party discover there are any of those sorts of goods which are prohibited and declared contraband and consigned for a port under the obedience of his enemies, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffers, packs, casks or any other vessels found therein, or to remove the smallest parcels of her goods, whether such ship belongs to the subjects of France, or the inhabitants of the said United States, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange or alienate the same, in any manner, until after that due and lawful process shall have been had against such prohibited goods, and the court of admiralty shall by a sentence pronounced have confiscated the same; saving always as well the ship itself as any other goods found therein, which by this treaty are to be esteemed free, neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated, as lawful prize; but if not the whole cargo, but only part thereof, shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor who has discovered them, in such case the captor having received those goods shall forthwith discharge the ship, and not hinder her by any means freely to prosecute the voyage on which she was bound. But in case the contraband merchandises cannot be all received on board the vessel of the captor, then the captor may, notwithstanding the offer of delivering him the contraband goods, carry the vessel into the nearest port agreeable to what is above directed.

Seizure of contraband goods.

ARTICLE XIV.

On the contrary, it is agreed that whatever shall be found to be laden by the subjects and inhabitants of either party on any ship belonging to the enemys of the other, or to their subjects, the whole, although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandizes as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration. So that the goods of the subjects and people of either party, whether they be of the nature of such as are prohibited or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truely be restored without delay to the proprietors demanding the same; but so as that if the said merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

Enemy's flag will not protect goods of neutral proprietor after declaration of war.

ARTICLE XV.

And that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men-of-war or privateers of the other party, all the commanders of the ships of His Most Christian Majesty and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side; and if they act to the contrary, they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their person and goods.

Indemnity guaranteed for injuries to vessels of either nation.

ARTICLE XVI.

All ships and merchandizes, of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

Captures by pirates.

ARTICLE XVII.

It shall be lawful for the ships of war of either party, and privateers, freely to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other judges; nor shall such prizes be arrested or seized when they come to and enter the ports of either party; nor shall the searchers or other officers of those places search the same, or make examination concerning the lawfulness of such prizes, but they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show; on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people or property of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of

Prizes may be carried into the ports of either nation.

No shelter shall be given to the captors of prizes from either party.

the sea, all proper means shall be vigorously used that they go out and retire from thence as soon as possible.

ARTICLE XVIII.

Shipwrecks.

If any ship belonging to either of the parties, their people or subjects, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof. And letters of safe conduct shall likewise be given to them for their free and quiet passage from thence and the return of every one to his own country.

ARTICLE XIX.

Asylum granted to vessels in distress.

In case the subjects and inhabitants of either party, with their shipping, whether publick and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbour, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons or reparation of their ships, and conveniency of their voyage; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ARTICLE XX.

Treatment of citizens of one nation in territory of the other in time of war.

For the better promoting of commerce on both sides, it is agreed that if a war shall break out between the said two nations, six months after the proclamation of war shall be allowed to the merchants in the cities and towns where they live for selling and transporting their goods and merchandizes; and if any thing be taken from them, or any injury be done them within that term by either party, or the people or subjects of either, full satisfaction shall be made for the same.

ARTICLE XXI.

Letters of marque.

No subjects of the Most Christian King shall apply for or take any commission, or letters of marque, for arming any ship or ships to act as privateers against the said United States, or any of them, or against the subjects, people or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen, subject or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of the Most Christian King, or any of them, or the property of any of them, from any Prince or State with which the said King shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

Article XXII.

It shall not be lawful for any foreign privateers, not belonging to subjects of the Most Christian King nor citizens of the said United States, who have commissions from any other Prince or State in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandises or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that Prince or State from which they have commissions.

Foreign privateers not allowed to be fitted out or to sell their prizes in the ports of either party.

Article XXIII.

It shall be lawful for all and singular the subjects of the Most Christian King, and the citizens, people and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with the Most Christian King or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Prince or under several. And it is hereby stipulated that free ships shall also give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemies.

Privilege of neutrals to trade with enemy in articles not contraband.

Free ships, free goods.

Article XXIV.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended arms, great guns, bombs with the fuzes, and other things belonging to them, cannon-ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, granades, saltpetre, muskets, musket-ball, bucklers, helmets, breast-plates, coats of mail, and the like kinds of arms proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandizes which follow shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton or any other materials whatever; all kinds of wearing apparel, together with the species whereof they are used to be made; gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals; as also wheat and barley, and any other kind of

Contraband goods.

corn and pulse; tobacco, and likewise all manner of spices; salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts; and in general all provisions which serve for the nourishment of mankind and the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors and any parts of anchors, also ships' masts, planks, boards and beams of what trees soever; and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument or thing prepared for war by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods; as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both confederates, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up, or invested.

ARTICLE XXV.

Proofs of nationality of vessels.

To the end that all manner of dissentions and quarrels may be avoided and prevented, on one side and the other, it is agreed that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be furnished with sea letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed that such ships being laden are to be provided not only with passports as above mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board the same; which certificate shall be made out by the officers of the place whence the ship set sail, in the accustomed form; and if any one shall think it fit or advisable to express in the said certificates the person to whom the goods on board belong, he may freely do so.

ARTICLE XXVI.

Treatment of vessels of either nation which will not discharge their cargoes on the coasts or in the ports of the other.

The ships of the subjects and inhabitants of either of the parties coming upon any coasts belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, they shall be treated according to the general rules prescribed or to be prescribed relative to the object in question.

ARTICLE XXVII.

Vessels of one nation upon showing passports not to be detained by ships of war of the other.

If the ships of the said subjects, people or inhabitants of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateers, the said ships of war or privateers, for the avoiding of any disorder, shall remain out of cannon-shot, and may send their boats aboard the merchant ship which they shall

so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship, when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

ARTICLE XXVIII.

Visitation and search prohibited.

It is also agreed that all goods, when once put on board the ships or vessels of either of the two contracting parties, shall be subject to no farther visitation; but all visitation or search shall be made beforehand, and all prohibited goods shall be stopped on the spot, before the same be put on board, unless there are manifest tokens or proofs of fraudulent practice; nor shall either the persons or goods of the subjects of His Most Christian Majesty or the United States be put under any arrest or molested by any other kind of embargo for that cause; and only the subject of that State to whom the said goods have been or shall be prohibited, and who shall presume to sell or alienate such sort of goods, shall be duly punished for the offence.

ARTICLE XXIX.

Liberty to appoint Consuls.

The two contracting parties grant mutually the liberty of having each in the ports of the other Consuls, Vice-Consuls, Agents, and Commissiaries, whose functions shall be regulated by a particular agreement.

ARTICLE XXX.

Free ports.

And the more to favour and facilitate the commerce which the subjects of the United States may have with France, the Most Christian King will grant them in Europe one or more free ports, where they may bring and dispose of all the produce and merchandize of the thirteen United States; and His Majesty will also continue to the subjects of the said States the free ports which have been and are open in the French islands of America; of all which free ports the said subjects of the United States shall enjoy the use, agreeable to the regulations which relate to them.

ARTICLE XXXI.

Ratifications.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles, both in the French and English languages, declaring, nevertheless, that the present treaty was originally composed and concluded in the French language, and they have thereto affixed their seals.

Done at Paris this sixth day of February, one thousand seven hundred and seventy-eight.

[SEAL.]	C. A. GERARD.
[SEAL.]	B. FRANKLIN.
[SEAL.]	SILAS DEANE.
[SEAL.]	ARTHUR LEE.

ANNEX TO THE TREATY OF AMITY AND COMMERCE BETWEEN THE UNITED STATES AND FRANCE OF FEBRUARY 6, 1778.

Form of the passports and letters, which are to be given to the ships and barks, according to the twenty-seventh article of this treaty.

To all who shall see these presents greeting: It is hereby made known that leave and permission has been given to ——— ——— master and commander of the ship called ——— of the town of ——— burthen ——— tons or thereabouts, lying at present in the port and haven of ——— and bound for ——— and laden with ———; after that his ship has been visited and before sailing he shall make oath before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of ———, the act whereof shall be put at the end of these presents, as likewise that he will keep and cause to be kept by his crew on board, the marine ordinances and regulations, and enter in the proper office a list signed and witnessed containing the names and surnames, the places of birth and abode of the crew of his ship and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of the marine; and in every port or haven, where he shall enter with his ship he shall shew this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage, and he shall carry the colours, arms and ensigns of the (King, or United States) during his voyage. In witness whereof we have signed these presents and put the seal of our arms thereunto, and caused the same to be countersigned by ——— ——— at ——— the ——— day of ——— A. D. ———.

Forme des passeports et lettres qui doivent être donnés aux vaisseaux et barques conformement à l'article vingt sept du traité ci-dessus.

A tous ceux qui les presentes verront, soit notoire que faculté et permission a été accordée á ——— ——— maître ou commandant du navire appellé ——— de la ville de ——— de la capacité de ——— tonneaux ou environ, se trouvant presentement dans le port et havre de ——— est destiné pour ——— chargé de ——— qu'après que son navire a été visité, et avant son départ, il prêtera serment entre les mains des officiers de marine, que le dt navire apartient à un ou plusieurs sujets de ——— dont l'acte sera mis à la fin des presentes; de même qu'il gardera et fera garder par son équipage les ordonnances et réglements maritimes, et remettra une liste signée et confirmée par temoins, contenant les noms et surnoms, les lieux de naissance et la demeure des personnes composant l'équipage de son navire et de tous ceux qui s'y embarqueront, lesquels il ne recevra pas à bord sans la connoissance et la permission des officiers de marine; et dans chaque port ou havre où il entrera avec son navire, il montrera la presente permission aux officiers et juges de marine et leur fera un raport fidèle de ce qui s'est passé durant son voïage, et il portera les couleurs, armes et enseignes du (Roi ou des États Unis) durant son dit voïage. En temoin de quoi nous avons signé les presentes, les avons fait contresigner par ——— ———, et y avons fait apposer le sceau de nos armes. Donné ——— le ——— de l'an de grace le ———.

1778.*

TREATY OF ALLIANCE.

Concluded February 6, 1778; *Ratified by the Continental Congress May* 4, 1778; *Ratifications exchanged at Paris July* 17, 1778.

The Most Christian King and the United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhodes Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, having this day concluded a treaty of amity and commerce, for the reciprocal advantage of their subjects and citizens, have thought it necessary to take into consideration the means of strengthening those engagements, and of rendering them useful to the safety and tranquility of the two parties; particularly in case Great Britain, in resentment of that connection and of the good correspondence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting between the two Crowns. And His Majesty and the said United States, having resolved in that case to join their counsils and efforts against the enterprises of their common enemy, the respective Plenipotentiaries impowered to concert the clauses and conditions proper to fulfil the said intentions, have, after the most mature deliberation, concluded and determined on the following articles:

ARTICLE I.

If war should break out between France and Great Britain during the continuance of the present war between the United States and England, His Majesty and the said United States shall make it a common cause and aid each other mutually with their good offices, their counsels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies. Alliance against Great Britain.

ARTICLE II.

The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty and independence absolute and unlimited, of the said United States, as well in matters of government as of commerce. The independence of the United States to be maintained.

ARTICLE III.

The two contracting parties shall each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

ARTICLE IV.

The contracting parties agree that in case either of them should form any particular enterprise in which the concurrence of the other may be desired, the party whose concurrence is desired, shall readily, and with good faith, join to act in concert for that purpose, as far as circumstances and its own particular Agreement as to concurrence operations.

* See notes "Abrogated, suspended or obsolete treaties."

situation will permit; and in that case, they shall regulate, by a particular convention, the quantity and kind of succour to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

ARTICLE V.

Conquests that shall belong to the United States.

If the United States should think fit to attempt the reduction of the British power, remaining in the northern parts of America, or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with or dependant upon the said United States.

ARTICLE VI.

Relinquishment by France of certain territories possessed by Great Britain.

The Most Christian King renounces forever the possession of the islands of Bermudas, as well as of any part of the continent of North America, which before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the Crown of Great Britain, or to the United States, heretofore called British Colonies, or which are at this time, or have lately been under the power of the King and Crown of Great Britain.

ARTICLE VII.

Conquests that shall belong to France.

If His Most Christian Majesty shall think proper to attack any of the islands situated in the Gulph of Mexico, or near that Gulph, which are at present under the power of Great Britain, all the said isles, in case of success, shall appertain to the Crown of France.

ARTICLE VIII.

Common consent required to conclude a treaty with Great Britain.

Neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war.

ARTICLE IX.

Mutual renunciation of claims on account of war.

The contracting parties declare, that being resolved to fulfil each on its own part the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war.

ARTICLE X.

Other powers permitted to accede to the alliance.

The Most Christian King and the United States agree to invite or admit other powers who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to and settled between all the parties.

ARTICLE XI.

Mutual guaranty of proprietary rights.

The two parties guarantee mutually from the present time and forever against all other powers, to wit: The United States to His Most Christian Majesty, the present possessions of the Crown of France in America, as well as those which it may acquire by

the future treaty of peace: And His Most Christian Majesty guarantees on his part to the United States their liberty, sovereignty and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the dominions now, or heretofore possessed by Great Britain in North America, conformable to the 5th and 6th articles above written, the whole as their possessions shall be fixed and assured to the said States, at the moment of the cessation of their present war with England.

ARTICLE XII.

In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England the reciprocal guarantee declared in the said article shall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions. Duration of guaranty.

ARTICLE XIII.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible. Ratifications.

In faith whereof the respective Plenipotentiaries, to wit: On the part of the Most Christian King, Conrad Alexander Gerard, Royal Syndic of the city of Strasbourgh, and Secretary of His Majesty's Council of State; and on the part of the United States, Benjamin Franklin, Deputy to the General Congress from the State of Pennsylvania, and President of the Convention of the same State, Silas Deane, heretofore Deputy from the State of Connecticut, and Arthur Lee, Councellor at Law, have signed the above articles both in the French and English languages, declaring, nevertheless, that the present treaty was originally composed and concluded in the French language, and they have hereunto affixed their seals.

Done at Paris, this sixth day of February, one thousand seven hundred and seventy-eight.

[SEAL.]	C. A. GERARD.
[SEAL.]	B. FRANKLIN.
[SEAL.]	SILAS DEANE.
[SEAL.]	ARTHUR LEE.

1778.*

ACT SEPARATE AND SECRET RESERVING RIGHT OF KING OF SPAIN TO AGREE TO THE FOREGOING TREATIES.

Concluded February 6, 1778; *Ratified by the Continental Congress May* 4, 1778; *Ratifications exchanged at Paris July* 17, 1778.

The Most Christian King declares, in consequence of the intimate union which subsists between him and the King of Spain, that in concluding with the United States of America this treaty of amity and commerce, and that of eventual and defensive alliance, His Majesty hath

* See notes "Abrogated, suspended, or obsolete treaties."

intended, and intends, to reserve expressly, as he reserves by this present separate and secret act, to his said Catholick Majesty the power of acceding to the said treatys, and to participate in their stipulations at such time as he shall judge proper. It being well understood, nevertheless, that if any of the stipulations of the said treatys are not agreable to the King of Spain, His Catholick Majesty may propose other conditions analogous to the principal aim of the alliance and conformable to the rules of equality, reciprocity and friendship.

The Deputies of the United States, in the name of their constituents, accept the present declaration in its full extent, and the Deputy of the said States who is fully impowered to treat with Spain promises to sign, on the first requisition of His Catholic Majesty, the act or acts necessary to communicate to him the stipulations of the treaties above written; and the said Deputy shall endeavor, in good faith, the adjustment of the points in which the King of Spain may propose any alteration conformable to the principles of equality, reciprocity and the most sincere and perfect amity, he, the said Deputy, not doubting but that the person or persons impower'd by His Catholic Majesty to treat with the United States will do the same with regard to any alterations of the same kind that may be thought necessary by the said Plenipotentiary of the United States.

In faith whereof the respective Plenipotentiaries have signed the present separate and secret article, and affixed to the same their seals.

Done at Paris this sixth day of February, one thousand seven hundred and seventy-eight.

[SEAL.] C. A. GERARD.
[SEAL.] B. FRANKLIN.
[SEAL.] SILAS DEANE.
[SEAL.] ARTHUR LEE,
Deputy, Plenipotentiary for France and Spain.

1782.

CONTRACT FOR THE PAYMENT OF LOANS TO HIS MOST CHRISTIAN MAJESTY.

Concluded July 16, 1782; *Ratified by the Continental Congress, January* 22, 1783.

The King having been pleased to attend to the requests made to him in the name and on behalf of the United Provinces of North America, for assistance in the war and invasion under which they had for several years groaned; and His Majesty, after entering into a treaty of amity and commerce with the said Confederated Provinces, on the 6th of February, 1778, having had the goodness to support them, not only with his forces by land and sea, but also with advances of money, as abundant as they were effectual, in the critical situation to which their affairs were reduced: it has been judged proper and necessary to state exactly the amount of those advances, the conditions on which the King made them, the periods at which the Congress of the United States have engaged to repay them to his Majesty's royal treasury, and, in fine, to state this matter in such a way as for the future to prevent all difficulties capable of interrupting the good harmony which his Majesty is resolved to maintain and preserve between him and the said United States. For executing

so laudable a purpose, and with a view to strengthen the bands of amity and commerce which subsist between His Majesty and the said United States; we, Charles Gravier de Vergennes, &c., Counsellor of the King, in all his councils, Commander of his Orders, Minister and Secretary of State, and of his commands and finances, vested with full powers of His Majesty to us given for this purpose: and we, Benjamin Franklin, Minister Plenipotentiary of the United States of North America, in like manner vested with full powers of the Congress of the said States for the present purpose; after duly communicating our respective powers have agreed to the following articles:

Article I.

It is agreed and certified that the sums advanced by His Majesty to the Congress of the United States, under the title of a loan, in the years 1778, 1779, 1780, 1781, and the present, 1782, amount to the sum of eighteen million of livres, money of France, according to the following twenty-one receipts of the above mentioned under written Minister of Congress, given in virtue of his full powers, to wit: Amount of loans.

1, 28 February,	1778	750,000	
2, 19 May,	ditto	750,000	
3, 3 August,	ditto	750,000	
4, 1 November,	ditto	750,000	
			3,000,000
5, 10 June,	1779	250,000	
6, 16 September,	ditto	250,000	
7, 4 October,	ditto	250,000	
8, 21 December,	ditto	250,000	
			1,000,000
9, 29 February,	1780	750,000	
10, 23 May,	ditto	750,000	
11, 21 June,	ditto	750,000	
12, 5 October,	ditto	750,000	
13, 27 November,	ditto	1,000,000	
			4,000,000
14, 15 February,	1781	750,000	
15, 15 May,	ditto	750,000	
16, 15 August,	ditto	750,000	
17, 1 August,	ditto	1,000,000	
18, 15 November,	ditto	750,000	
			4,000,000
19, 10 April,	1782	1,500,000	
20, 1 July,	ditto	1,500,000	
21, 5 of the same month		3,000,000	
			6,000,000
Amounting in the whole to 18 millions, viz.			18,000,000

By which receipts the said Minister has promised, in the name of Congress, and in behalf of the thirteen United States, to cause to be paid and reimbursed to the royal treasury of His Majesty, on the 1st of January, 1788, at the house of his grand banker at Paris, the said sum of eighteen millions, money of France, with interest at 5 per cent. per annum. Interest on loans.

ARTICLE II.

Repayment of loans.

Considering that the payment of so large a capital at the one stipulated period, the 1st of January, 1788, may greatly injure the finances of the Congress of the United States, and it may perhaps be even impracticable on that footing, His Majesty has been pleased for that reason to recede in that respect from the tenor of the receipts which the Minister of Congress has given for the eighteen million livres tournois, mentioned in the foregoing article, and has consented that the payment of the capital in ready money, at the royal treasury, be in twelve equal payments of 1,500,000 livres each, and in twelve years only, to commence from the third year after a peace.

ARTICLE III.

Abatement of interest.

Although the receipts of the Minister of the Congress of the United States specify that the eighteen million of livres above mentioned are to be paid at the royal treasury, with interest at five per cent. per annum, His Majesty being willing to give the said United States a new proof of his affection and friendship, has been pleased to make a present of, and to forgive the whole arrears of interest to this day, and from thence to the date of the treaty of peace; a favor which the Minister of the Congress of the United States acknowledges to flow from the pure bounty of the King, and which he accepts in the name of the said United States with profound and lively acknowledgments.

ARTICLE IV.

Interest to diminish in proportion to payments.

The payment of the said eighteen millions of livres tournois shall be in ready money at the royal treasury of His Majesty at Paris, in twelve equal parts, and at the terms stipulated in the above second article. The interest of the said sum, at five per cent. per annum, shall commence with the date of the treaty of peace, and shall be paid at every period of the partial payments of the capital, and shall diminish in proportion with the payments. The Congress of the said United States being left, however, at liberty to free themselves sooner from this obligation by anticipated payments, in case the state of their finances will admit.

ARTICLE V.

Loans made by France in Holland, acknowledged to be for the use of United States.

Although the loan of five millions of florins of Holland, agreed to by the States General of the United Provinces of the Netherlands, on the terms of the obligation passed on the 5th of November, 1781, between His Majesty and the said States General, has been made in His Majesty's name, and guaranteed by him, it is nevertheless acknowledged by these presents, that the said loan was made in reality on account, and for the service, of the United States of North America, and that the capital, amounting, at a moderate valuation, to the sum of ten millions livres tournois, has been paid to the said United States, agreeably to a receipt for the payment of the said sum given by the undersigned Minister of Congress the seventh day of June last.

ARTICLE VI.

By the convention of the said 5th of November, 1781, the King has been pleased to promise and engage to furnish and pay at the general counter of the States General of the Netherlands, the capital of the said loan, with the interest at four per cent. per annum, without any charge or deduction whatever to the lenders, so that the said capital shall be wholly repaid after the space of five years, the payments to be made in ten equal periods, the first of which to commence the sixth year from the date of the loan, and afterwards from year to year to the final payment of the said sum; but it is in like manner acknowledged by this act that this engagement was entered into by the King at the request of the undersigned Minister of the United States, and on the promises by him made in the name of Congress, and on behalf of the thirteen United States, to cause to be reimbursed and paid at the royal treasury of His Majesty at Paris, the capital, interest, and cost of the said loan, according to the conditions and terms fixed by the said convention of the 5th of November, 1781.

Engagement of the French king to repay loans made in Holland.

ARTICLE VII.

It is accordingly agreed and settled that the sum of ten million livres tournois, being, by a moderate computation, the principal of the loan of five millions of Holland florins above mentioned, shall be reimbursed, and paid in ready money at the royal treasury of His Majesty at Paris, with the interest at four per cent. per annum, in ten equal payments, of one million each, and in ten terms, the first of which shall be on the 5th of November, 1787, the second, the 5th November, 1788, and so from year to year till the final payment of the said sum of ten millions, the interest lessening in proportion with the partial payments of the capital. But in consequence of the King's affection for the United States, His Majesty has been pleased to charge himself with the expense of commissions and bank for the said loan, of which expenses His Majesty has made a present to the United States, and this their undersigned Minister accepts, with thanks, in the name of Congress, as a new proof of His Majesty's generosity and friendship for the said United States.

Agreement by the United States to repay same of the loan in Holland.

ARTICLE VIII.

With regard to the interest of the said loan during the five years preceding the first term of payment of the capital, as the King has engaged to pay it at the general counter of the States General of the Netherlands, at the rate of four per cent. yearly, and every year, counting from the 5th of November, 1781, according to the convention of that day, the Minister of Congress acknowledges that the repayment of that is due to His Majesty by the United States, and he engages, in the name of the said United States, to cause payment thereof to be made at the same time and at the same rate at the royal treasury of His Majesty; the first year's interest to be paid the 5th of November next, and so yearly, during the five years preceding the first term for the payment of the capital, fixed as above on the 5th of November, 1787.

Interest on the loan in Holland for five years to be paid by United States to France.

The high contracting parties reciprocally bind themselves to the faithful observance of this contract, the ratifications of which shall be exchanged in the space of nine months from this day, or sooner if posssible.

Ratifications.

In testimony whereof we, the said Plenipotentiaries of His Most Christian Majesty, and of the thirteen United States of North America, in virtue of our respective powers, have signed these presents, and thereunto fixed the seal of our arms.

Done at Versailles the 16th day of July, one thousand seven hundred and eighty-two.

[SEAL.] GRAVIER DE VERGENNES.
[SEAL.] B. FRANKLIN.

1783.

CONTRACT FOR A NEW LOAN OF SIX MILLION LIVRES FROM HIS MOST CHRISTIAN MAJESTY, AND FOR THE PAYMENT OF OLD LOANS.

Concluded February 25, 1783; *Ratified by the Continental Congress October* 31, 1783.

The re-established peace between the belligerent Powers, the advantages of a free commerce to all parts of the globe, and the independence of the thirteen United States of North America, acknowledged and founded on a solid and honorable basis, rendered it probable that the said States would be in a condition to provide hereafter for their necessities by means of the resources within themselves without being compelled to implore the continuation of the succours which the King has so liberally granted during the war: But the Minister Plenipotentiary of the said United States to His Majesty, having represented to him the exhausted state to which they had been reduced by a long and disastrous war, His Majesty has condescended to take into consideration the request made by the aforesaid Minister, in the name of the Congress of the said States, for a new advance of money to answer numerous purposes of urgent and indispensable expenses in the course of the present year; His Majesty has in consequence determined, notwithstanding the no less pressing necessities of his own service, to grant to Congress a new pecuniary assistance, which he has fixed at the sum of six millions livres tournois, under the title of loan, and under the guaranty of the whole thirteen United States, which the Minister of Congress has declared his acceptance of, with the liveliest acknowledgments, in the name of the said States.

And as it is necessary to the good order of His Majesty's finances, and also useful to the operations of the finances of the United States, to assign periods for payment of the six millions livres in question, and to regulate the conditions and terms of reimbursement which should be made at His Majesty's royal treasury at Paris, after the manner of what has been stipulated for the preceding advances, by a former contract of the 16th July, 1782—

We, Charles Gravier, Count de Vergennes, &c., Counsellor of the King in his Councils, Commander of his Orders, Chief of the Royal Council of Finances, Counsellor of State, &c., Minister and Secretary of State and of his commands and finances, invested with full powers by His Majesty, given to us for the purpose of these presents: And we, Benjamin Franklin, Minister and Plenipotentiary of the United States of North America, likewise invested with full powers by the Congress of said States, for the same purpose of these presents, after having compared and duly communicated to each other our respective powers, have agreed on the following articles:

ARTICLE I.

The payment of the six millions livres, French money, above mentioned, shall be made from the funds of the royal treasury in proportions of five hundred thousand livres during each of the twelve months of the present year, under the acknowledgments of the Minister of the said United States, promising in the name of Congress and in behalf of the thirteen United States, to reimburse and refund the said six millions livres, in ready money, at His Majesty's royal treasury, at the house of the sieur grand banker at Paris, with interest at five per cent. per annum at periods hereafter stipulated in the third and fourth articles. The advances which His Majesty has been pleased to allow to be made on account of the six millions in question shall be deducted in the payments of the first month of this year.

ARTICLE II.

For better understanding the fixing of periods for the reimbursement of the six millions at the royal treasury, and to prevent all ambiguity on this head, it has been found proper to recapitulate here the amount of the preceding aids granted by the King to the United States, and to distinguish them according to their different classes. The first is composed of funds lent successively by His Majesty, amounting in the whole to the sum of eighteen millions livres, reimbursable in specie at the royal treasury in twelve equal portions of a million five hundred thousand livres each, besides the interest, and in twelve years, to commence from the third year after the date of the peace, the interest, beginning to reckon at the date of the peace, to be discharged annually, shall diminish in proportion to the reimbursement of the capital, the last payment of which shall expire in the year 1798.

The second class comprehends the loan of five millions Dutch florins, amounting, by a moderate valuation, to ten millions livres tournois, the said loan made in Holland in 1781, for the service of the United States of North America, under the engagement of the King to refund the capital, with interest at four per cent. per annum, at the general counter of the States General of the United Provinces of the Netherlands, in ten equal portions, reckoning from the sixth year of the date of the said loan, and under the like engagement on the part of the Minister of Congress, and in behalf of the thirteen United States, to reimburse the ten millions of said loan in ready money at the royal treasury, with interest at four per cent. per annum, in ten equal portions of a million each, and in ten periods from year to year; the first of which shall take place in the month of November, 1787, and the last in the same month, 1796. The whole conformable to the conditions expressed in the contract of the 16th July, 1782.

In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance, from the pure generosity of the King, three millions of which were granted before the treaty of February, 1778, and six millions in 1781; which aids and subsidies amount in the whole to nine millions livres tournois. His Majesty here confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States.

ARTICLE III.

The new loan of six millions livres tournois, the subject of the present contract, shall be refunded and reimbursed in ready money at His Majesty's royal treasury, in six equal portions of a million each, with

interest at five per cent. per annum, and in six periods, the first of which shall take place in the year 1797, and so on from year to year, until 1802, when the last reimbursement shall be completed.

ARTICLE IV.

The interest of five per cent. per annum of the capital of the six millions, mentioned in the preceding article, shall begin to be reckoned from the first of January of the year 1784, and shall be paid in ready money at His Majesty's royal treasury, at Paris, on the same day of each year, the first of which shall take place the first of January, 1785, and so on from year to year, until the definitive reimbursement of the capital; His Majesty being pleased, by a new act of generosity, to present and remit to the thirteen United States the partial interest of the present year, which the underwritten Minister of Congress has declared to accept with acknowledgment in the name of the said United States.

ARTICLE V.

The interest of the capital of the six millions shall diminish in proportion to the reimbursements at the periods fixed in the preceding article; Congress and the United States reserving, however, the liberty of freeing themselves, by anticipated payments, should the state of their finances admit.

ARTICLE VI.

The contracting parties will reciprocally guaranty the faithful observation of the foregoing articles; the ratifications of which shall be exchanged in the space of nine months from the date of this present contract, or sooner if possible.

In faith whereof we, the Ministers Plenipotentiaries of His Majesty and the Congress of the thirteen United States of North America, in virtue of our respective full powers, have signed the present contract, and thereunto affixed the seal of our arms.

Done at Versailles the twenty-fifth day of February, one thousand seven hundred and eighty-three.

[SEAL.] GRAVIER DE VERGENNES.
[SEAL.] B. FRANKLIN.

1788.*

CONVENTION† DEFINING AND ESTABLISHING THE FUNCTIONS AND PRIVILEGES OF CONSULS AND VICE-CONSULS.

Concluded November 14, 1788; *Ratifications exchanged at Paris January* 6, 1790, *although the certificate of exchange was dated January* 1, 1790.

His Majesty the Most Christian King, and the United States of America, having, by the twenty-ninth article of the treaty of amity and commerce concluded between them, mutually granted the liberty of having in their respective States and ports, Consuls, Vice-Consuls, Agents and Commissaries, and being willing, in consequence thereof, to define

* See notes "Abrogated, suspended, or obsolete treaties."
† Translation; original in the French language.

and establish, in a reciprocal and permanent manner, the functions and privileges of Consuls and Vice-Consuls, which they have judged it convenient to establish of preference, His Most Christian Majesty has nominated the Sieur Count of Montmorin, of St. Herent, Marechal of his Camps and Armies, Knight of his Orders and of the Golden Fleece, his Counsellor in all his Councils, Minister and Secretary of State, and of his Commandments and Finances, having the Department of Foreign Affairs; and the United States have nominated the Sieur Thomas Jefferson, citizen of the United States of America, and their Minister Plenipotentiary near the King; who, after having communicated to each other their respective full powers, have agreed on what follows:

Article I.

The Consuls and Vice-Consuls named by the Most Christian King and the United States shall be bound to present their commissions according to the forms which shall be established respectively by the Most Christian King within his dominions, and by the Congress within the United States. There shall be delivered to them, without any charges, the exequatur necessary for the exercise of their functions; and on exhibiting the said exequatur, the Governors, Commanders, Heads of Justice, Bodies Corporate, Tribunals and other officers having authority in the ports and places of their consulates, shall cause them to enjoy immediately, and without difficulty, the pre-eminences, authority, and privileges reciprocally granted, without exacting from the said Consuls and Vice-Consuls any fee, under any pretext whatever.

Exequaturs.

Article II.

The Consuls and Vice-Consuls, and persons attached to their functions; that is to say, their Chancellors and Secretaries, shall enjoy a full and entire immunity for their chancery, and the papers which shall be therein contained. They shall be exempt from all personal service, from soldiers' billets, militia, watch, guard, guardianship, trusteeship, as well as from all duties, taxes, impositions and charges whatsoever, except on the estate real and personal of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals: And in all other instances they shall be subject to the laws of the land as the natives are. Those of the said Consuls and Vice-Consuls who shall exercise commerce, shall be respectively subject to all taxes, charges and impositions established on other merchants. They shall place over the outward door of their house the arms of their sovereign; but this mark of indication shall not give to the said house any privilege of asylum for any person or property whatsoever.

Privileges of consuls.

Article III.

The respective Consuls and Vice-Consuls may establish agents in the different ports and places of their departments where necessity shall require. These agents may be chosen among the merchants, either national or foreign, and furnished with a commission from one of the said Consuls: They shall confine themselves respectively to the rendering to their respective merchants, navigators and vessels, all possible service, and to inform the nearest Consul of the wants of the said merchants, navigators and vessels, without the said agents otherwise participating in the immunities, rights and privileges attributed

Consuls may appoint agents.

to Consuls and Vice-Consuls, and without power, under any pretext whatever, to exact from the said merchants any duty or emolument whatsoever.

ARTICLE IV.

Consuls may establish a chancery.

The Consuls and Vice-Consuls respectively may establish a chancery, where shall be deposited the consular determinations, acts and proceedings, as also testaments, obligations, contracts and other acts done by or between persons of their nation, and effects left by deceased persons, or saved from shipwreck. They may consequently appoint fit persons to act in the said chancery, receive and swear them in, commit to them the custody of the seal, and authority to seal commissions, sentences and other consular acts, and also to discharge the functions of notary and register of the consulate.

ARTICLE V.

Power and duty of Consuls.

The Consuls and Vice-Consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations and all the other acts which the captains, masters, crews, passengers, and merchants of their nation may chuse to make there, even their testaments and other disposals by last will: And the copies of the said acts, duly authenticated by the said Consuls or Vice-Consuls, under the seal of their consulate, shall receive faith in law, equally as their originals would, in all the tribunals of the dominions of the Most Christian King and of the United States. They shall also have, and exclusively, in case of the absence of the testamentary executor, administrator, or legal heir, the right to inventory, liquidate, and proceed to the sale of the personal estate left by subjects or citizens of their nation who shall die within the extent of their consulate; they shall proceed therein with the assistance of two merchants of their said nation, or, for want of them, of any other at their choice, and shall cause to be deposited in their chancery the effects and papers of the said estates; and no officer, military, judiciary or of the police of the country, shall disturb them or interfere therein, in any manner whatsoever: But the said Consuls and Vice-Consuls shall not deliver up the said effects, nor the proceeds thereof, to the lawful heirs, or to their order, till they shall have caused to be paid all debts which the deceased shall have contracted in the country; for which purpose the creditors shall have a right to attach the said effects in their hands, as they might in those of any other individual whatever, and proceed to obtain sale of them till payment of what shall be lawfully due to them. When the debts shall not have been contracted by judgment, deed or note, the signature whereof shall be known, payment shall not be ordered but on the creditor's giving sufficient surety, resident in the country, to refund the sums he shall have unduly received, principal, interest and cost; which surety nevertheless shall stand duly discharged, after the term of one year in time of peace, and of two in time of war, if the demand in discharge cannot be formed before the end of this term against the heirs who shall present themselves. And in order that the heirs may not be unjustly kept out of the effects of the deceased, the Consuls and Vice-Consuls shall notify his death in some one of the gazettes published within their consulate, and that they shall retain the said effects in their hands four months to answer all demands which shall be presented; and they shall be bound after this delay to deliver to the persons succeeding thereto, what shall be more than sufficient for the demands which shall have been formed.

Article VI.

Consuls to receive declarations from captains of losses at sea.

The Consuls and Vice-Consuls respectively shall receive the declarations, protests and reports of all captains and masters of their respective nation on account of average losses sustained at sea; and these captains and masters shall lodge in the chancery of the said Consuls and Vice-Consuls the acts which they may have made in other ports on account of the accidents which may have happened to them on their voyage. If a subject of the Most Christian King and a citizen of the United States, or a foreigner, are interested in the said cargo, the average shall be settled by the tribunals of the country, and not by the Consuls or Vice-Consuls; but when only the subjects or citizens of their own nation shall be interested, the respective Consuls or Vice-Consuls shall appoint skillful persons to settle the damages and average.

Article VII.

Power of consuls in cases of shipwreck.

In cases where, by tempest or other accident, French ships or vessels shall be stranded on the coasts of the United States, and ships or vessels of the United States shall be stranded on the coasts of the dominions of the Most Christian King, the Consul or Vice-Consul nearest to the place of shipwreck shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and the security of the effects and merchandize saved. He may take an inventory of them, without the intermeddling of any officers of the military, of the customs, of justice or of the police of the country, otherwise than to give to the Consuls, Vice-Consuls, captain and crew of the vessel shipwrecked or stranded, all the succour and favour which they shall ask of them, either for the expedition and security of the saving, and of the effects saved, or to prevent all disturbance. And in order to prevent all kinds of dispute and discussion in the said cases of shipwreck, it is agreed that when there shall be no Consul or Vice-Consul to attend to the saving of the wreck, or that the residence of the said Consul or Vice-Consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed therein, with all the dispatch, certainty and precautions prescribed by the respective laws; but the said territorial judge shall retire on the arrival of the Consul or Vice-Consul, and shall deliver over to him the report of his proceedings, the expenses of which the Consul or Vice-Consul shall cause to be reimbursed to him, as well as those of saving the wreck. The merchandize and effects saved shall be deposited in the nearest custom-house, or other place of safety, with the inventory thereof, which shall have been made by the Consul or Vice-Consul, or by the judge who shall have proceeded in their absence, that the said effects and merchandize may be afterwards delivered, (after levying therefrom the costs,) and without form of process to the owners, who, being furnished with an order for their delivery from the nearest Consul or Vice-Consul, shall reclaim them by themselves or by their order, either for the purpose of re-exporting such merchandize, in which case they shall pay no kind of duty of exportation, or for that of selling them in the country, if they be not prohibited there, and in this last case the said merchandize, if they be damaged, shall be allowed an abatement of entrance

duties, proportioned to the damage they have sustained, which shall be ascertained by the affidavits taken at the time the vessel was wrecked or struck.

Article VIII.

Power of Consuls respecting vessels of their own nations.

The Consuls or Vice-Consuls shall exercise police over all the vessels of their respective nations, and shall have on board the said vessels all power and jurisdiction in civil matters, in all the disputes which may there arise; they shall have an entire inspection over the said vessels, their crew, and the changes and substitutions there to be made; for which purpose they may go on board the said vessels whenever they may judge it necessary. Well understood that the functions hereby allowed shall be confined to the interior of the vessels, and that they shall not take place in any case which shall have any interference with the police of the ports where the said vessels shall be.

Article IX.

Deserters.

The Consuls and Vice-Consuls may cause to be arrested the captains, officers, mariners, sailors and all other persons being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country; for which purpose the said Consuls and Vice-Consuls shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll that those men were part of the said crews; and on this demand so proved (saving, however, where the contrary is proved) the delivery shall not be refused; and there shall be given all aid and assistance to the said Consuls and Vice-Consuls for the search, seizure and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back; but if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Article X.

Citizens of one nation who commit crimes in the territory of the other.

In cases where the respective subjects or citizens shall have committed any crime, or breach of the peace, they shall be amenable to the judges of the country.

Article XI.

Criminals who take refuge on vessels of their nation.

When the said offenders shall be a part of the crew of a vessel of their nation, and shall have withdrawn themselves on board the said vessel, they may be there seized and arrested by order of the judges of the country. These shall give notice thereof to the Consul or Vice-Consul, who may repair on board if he thinks proper; but this notification shall not in any case delay execution of the order in question. The persons arrested shall not afterwards be set at liberty until the Consul or Vice-Consul shall have been notified thereof; and they shall be delivered to him, if he requires it, to be put again on board of the vessel on which they were arrested, or of others of their nation, and to be sent out of the country.

Article XII.

All differences and suits between the subjects of the Most Christian King in the United States, or between the citizens of the United States within the dominions of the Most Christian King, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences, of whatever nature they be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nation, shall be determined by the respective Consuls and Vice-Consuls, either by a reference to arbitrators, or by a summary judgment, and without costs. No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter; and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States, to whom it may appertain to take cognizance thereof.

Consuls authorized to settle disputes between citizens of their nations.

Article XIII.

The general utility of commerce having caused to be established within the dominions of the Most Christian King particular tribunals and forms for expediting the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments; and the Congress of the United States will provide in the manner the most conformable to its laws for the establishment of equivalent advantages in favour of the French merchants, for the prompt despatch and decision of affairs of the same nature.

Tribunals for expediting decision of commercial affairs.

Article XIV.

The subjects of the Most Christian King, and the citizens of the United States who shall prove by legal evidence that they are of the said nations respectively, shall in consequence enjoy an exemption from all personal service in the place of their settlement.

Citizens of both nations exempted from personal service.

Article XV.

If any other nation acquires by virtue of any convention whatever a treatment more favourable with respect to the consular preminences, powers, authority and privileges, the Consuls and Vice-Consuls of the Most Christian King, or of the United States, reciprocally shall participate therein, agreeable to the terms stipulated by the second, third and fourth articles of the treaty of amity and commerce concluded between the Most Christian King and the United States.

Most favored nation privileges accorded to Consuls.

Article XVI.

The present convention shall be in full force during the term of twelve years, to be counted from the day of the exchange of ratifications, which shall be given in proper form, and exchanged on both sides within the space of one year, or sooner if possible.

Duration of this Convention.

In faith whereof we, Ministers Plenipotentiary, have signed the present convention, and have thereto set the seal of our arms.

Done at Versailles the fourteenth of November, one thousand seven hundred and eighty-eight.

[SEAL.] L. C. De Montmorin.
[SEAL.] Th: Jefferson.

1800.*

CONVENTION OF PEACE, COMMERCE, AND NAVIGATION.

Concluded September 30, 1800; *Ratifications exchanged at Paris July* 31, 1801; *Proclaimed December* 21, 1801.

The Premier Consul of the French Republic in the name of the people of France, and the President of the United States of America, equally desirous to terminate the differences which have arisen between the two States, have respectively appointed their Plenipotentiaries, and given them full power to treat upon those differences, and to terminate the same; that is to say, the Premier Consul of the French Republic, in the name of the people of France, has appointed for the Plenipotentiaries of the said Republic the citizens Joseph Bonaparte, ex-Ambassador at Rome and Counsellor of State; Charles Pierre Claret Fleurieu, Member of the National Institute and of the Board of Longitude of France and Counsellor of State, President of the Section of Marine; and Pierre Louis Rœderer, Member of the National Institute of France and Counsellor of State, President of the Section of the Interior; and the President of the United States of America, by and with the advice and consent of the Senate of the said States, has appointed for their Plenipotentiaries, Oliver Ellsworth, Chief Justice of the United States; William Richardson Davie, late Governor of the State of North Carolina; and William Vans Murray, Minister Resident of the United States at the Hague; who, after having exchanged their full powers, and after full and mature discussion of the respective interests, have agreed on the following articles:

Negotiators.

ARTICLE I.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the French Republic and the United States of America, and between their respective countries, territories, cities, towns, and people, without exception of person or places.

Declaration of amity.

ARTICLE II.†

The Ministers Plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negociate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:

Treaty of 6th Feb., 1778, and convention of 14th Nov., 1788, abrogated.

ARTICLE III.

The public ships which have been taken on one part and the other, or which may be taken before the exchange of ratifications, shall be restored.

Restoration of captured ships.

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* See notes "Abrogated, suspended or obsolete treaties."

† This article was expunged before the final ratification of the treaty, and the following article was added:

"It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of ratifications."

See also note at end of the treaty.

Article IV.

Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications, (contraband goods destined to an enemy's port excepted,) shall be mutually restored on the following proofs of ownership, viz: The proof on both sides with respect to merchant ships, whether armed or unarmed, shall be a passport in the form following: Captured property, not definitively condemned, to be restored.

"*To all who shall see these presents, greeting:*

"It is hereby made known that leave and permission has been given to ——— ———, master and commander of the ship called ———, of the town of ———, burthen ——— tons, or thereabouts, lying at present in the port and haven of ———, and bound for ———, and laden with ———; after that his ship has been visited, and before sailing, he shall make oath before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of ———, the act whereof shall be put at the end of these presents, as likewise that he will keep, and cause to be kept, by his crew on board, the marine ordinances and regulations, and enter in the proper office a list, signed and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of the marine; and in every port or haven where he shall enter with his ship, he shall shew this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage; and he shall carry the colours, arms, and ensigns of the [French Republic or the United States] during his voyage. In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by ——— ——— at ——— the ——— day of ——— anno Domini." Form of passport for merchant ships.

And this passport will be sufficient without any other paper, any ordinance to the contrary notwithstanding; which passport shall not be deemed requisite to have been renewed or recalled, whatever number of voyages the said ship may have made, unless she shall have returned home within the space of a year. Proof with respect to the cargo shall be certificates, containing the several particulars of the cargo, the place whence the ship sailed and whither she is bound, so that the forbidden and contraband goods may be distinguished by the certificates; which certificates shall have been made out by the officers of the place whence the ship set sail, in the accustomed form of the country. And if such passport or certificates, or both, shall have been destroyed by accident or taken away by force, their deficiency may be supplied by such other proofs of ownership as are admissible by the general usage of nations. Proof with respect to other than merchant ships shall be the commission they bear. Proof with respect to cargo.

This article shall take effect from the date of the signature of the present convention. And if, from the date of the said signature, any property shall be condemned contrary to the intent of the said convention, before the knowledge of this stipulation shall be obtained, the property so condemned shall, without delay, be restored or paid for. This article to take effect immediately.

ARTICLE V.

Prosecution of debts authorized.

The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted, in the same manner as if there had been no misunderstanding between the two States. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

ARTICLE VI.

Freedom of commerce and navigation.

Commerce between the parties shall be free. The vessels of the two nations and their privateers, as well as their prizes, shall be treated in their respective ports as those of the nation the most favoured; and, in general, the two parties shall enjoy in the ports of each other, in regard to commerce and navigation, the privileges of the most favoured nation.

ARTICLE VII.

Property of citizens of one nation in territory of the other.

The citizens and inhabitants of the United States shall be at liberty to dispose by testament, donation, or otherwise, of their goods, moveable and immoveable, holden in the territory of the French Republic in Europe, and the citizens of the French Republic shall have the same liberty with regard to goods, moveable and immoveable, holden in the territory of the United States, in favor of such persons as they shall think proper. The citizens and inhabitants of either of the two countries who shall be heirs of goods, moveable or immoveable, in the other, shall be able to succeed ab intestato, without being obliged to obtain letters of naturalization, and without having the effect of this provision contested or impeded, under any pretext whatever; and the said heirs, whether such by particular title, or ab intestato, shall be exempt from any duty whatever in both countries. It is agreed that this article shall in no manner derogate from the laws which either State may now have in force, or hereafter may enact, to prevent emigration; and also that in case the laws of either of the two States should restrain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be, and the other nation shall be at liberty to enact similar laws.

ARTICLE VIII.

Treatment of citizens of one nation in territory of the other in time of war.

To favor commerce on both sides it is agreed that, in case a war should break out between the two nations, which God forbid, the term of six months after the declaration of war shall be allowed to the merchants and other citizens and inhabitants respectively, on one side and the other, during which time they shall be at liberty to withdraw themselves, with their effects and moveables, which they shall be at liberty to carry, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports, which shall be valid for a time necessary for their return, shall be given to them for their vessels and the effects which they shall be willing to send away or carry with them; and such passports shall be a safe conduct against all insults and prizes

which privateers may attempt against their persons and effects. And if anything be taken from them, or any injury done to them or their effects, by one of the parties, their citizens or inhabitants, within the term above prescribed, full satisfaction shall be made to them on that account.

Article IX.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies, which they may have in public funds, or in the public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

Debts and securities not to be confiscated in time of war.

Article X.

It shall be free for the two contracting parties to appoint commercial agents for the protection of trade, to reside in France and the United States. Either party may except such place as may be thought proper from the residence of those agents. Before any agent shall exercise his functions, he shall be accepted in the usual forms by the party to whom he is sent; and when he shall have been accepted and furnished with his exequatur, he shall enjoy the rights and prerogatives of the similar agents of the most favoured nations.

Commercial agents.

Article XI.

The citizens of the French Republic shall pay in the ports, havens, roads, countries, islands, cities, and towns of the United States, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nation most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said States to another, or in going to and from the same from and to any part of the world, which the said nations do or shall enjoy. And the citizens of the United States shall reciprocally enjoy, in the territories of the French Republic in Europe, the same privileges and immunities, as well for their property and persons as for what concerns trade, navigation, and commerce.

No discrimination in duties.

Article XII.

It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Power or under the several, unless such ports or places shall be actually blockaded, besieged, or invested.

Neutral vessels permitted to trade with enemy in goods not contraband.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged,

blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender of such place shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Blockade.

ARTICLE XIII.

In order to regulate what shall be deemed contraband of war, there shall be comprised, under that denomination, gun-powder, saltpetre, petards, match, ball, bombs, grenades, carcasses, pikes, halberts, swords, belts, pistols, holsters, cavalry-saddles and furniture, cannon, mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of troops; all the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different owner.

Contraband goods.

ARTICLE XIV.

It is hereby stipulated that free ships shall give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemy.

Free ships, free goods.

Free ships, free persons.

ARTICLE XV.

On the contrary, it is agreed that whatever shall be found to be laden by the citizens of either party on any ship belonging to the enemies of the other, or their citizens, shall be confiscated without distinction of goods, contraband or not contraband, in the same manner as if it belonged to the enemy, except such goods and merchandizes as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration; so that the goods of the citizens of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to any ports

Enemy's flag will not protect goods of a neutral receivedafter declaration of war.

belonging to the enemy. The two contracting parties agree that the term of two months being passed after the declaration of war, their respective citizens, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

Article XVI.

The merchant ships belonging to the citizens of either of the contracting parties, which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

Proofs of nationality of merchant vessels.

Article XVII.

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that when one party shall be engaged in war, and the other party be neuter, the ships of the neutral party shall be furnished with passports similar to that described in the fourth article, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year; that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided not only with the passports above mentioned, but also with certificates similar to those described in the same article, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and the ship shall be at liberty to pursue its voyage, unless the quantity of the contraband goods be greater than can conveniently be received on board the ship of war or privateer, in which case the ship may be carried into port for the delivery of the same.

Neutral ships to be protected by passports in time of war.

Neutral ships not subject to detention after delivery of contraband goods.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal, and if it shall appear from other documents or proofs admissible by the usage of nations, that the ship belongs to the citizens of the neutral party, it shall not be confiscated, but shall be released with her cargo (contraband goods excepted) and be permitted to proceed on her voyage.

If the master of a ship named in the passport should happen to die, or be removed by any other cause, and another put in his place, the ship and cargo shall nevertheless be equally secure, and the passport remain in full force.

Passport not invalidated by death of masters of vessels.

Article XVIII.

If the ships of the citizens of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war or privateer of the other, for the avoiding of any disorder the said ships of war or privateers shall remain out of

Visitation and search.

cannon-shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship, made out according to the form prescribed in the fourth article. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

Article XIX.

Neutral vessels under convoy not subject to visitation and search.

It is expressly agreed by the contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applied only to ships sailing without convoy; and when the said ships shall be convoyed, it being the intention of the parties to observe all the regard due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy, that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient, the two parties reciprocally engaging not to admit, under the protection of their convoys, ships which shall carry contraband goods destined to an enemy.

Article XX.

Captures or detentions of neutral vessels.

In all cases where vessels shall be captured or detained, under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a descriptive list of the said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the said goods; nor shall it be lawful to sell, exchange, or alienate the same in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation, saving always the ship and the other goods which it contains.

Article XXI.

Protection of officers, passengers and property on neutral vessels captured.

And that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, either during the time the ship may be at sea after her capture, or pending the proceedings against her or her cargo, or anything relative thereto. And in all cases where a vessel of the citizens of either party shall be captured or seized, and held for adjudication, her officers, passengers, and crew shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate five hundred dollars each, and for the sailors and passengers one hundred dollars each.

Article XXII.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel, without any delay, he paying the legal fees for the same.

Prize courts only competent to have cognizance of prize causes.

Article XXIII.

And that more abundant care may be taken for the security of the respective citizens of the contracting parties, and to prevent their suffering injuries by the men-of-war or privateers of either party, all commanders of ships of war and privateers, and all others the said citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages and the interest thereof, of whatever nature the said damages may be.

Indemnification for damages by men of war or privateers.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars or thirty-six thousand eight hundred and twenty francs, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars, or seventy-three thousand six hundred and forty francs, to satisfy all damages and injuries which the said privateer, or her officers, or men, or any of them, may do or commit during their cruise, contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggression the said commission shall be revoked and annulled.

Commanders of privateers to give security.

Article XXIV.

When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to shew. It is always understood that the stipulations of this article shall not extend beyond the privileges of the most favored nation.

The ships of war of one nation to be admitted with their prizes to ports of the other.

ARTICLE XXV.

Privateers of hostile powers not to dispose of prizes in the ports of either nation.

It shall not be lawful for any foreign privateers who have commissions from any Prince or State in enmity with either nation, to fit their ships in the ports of either nation, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary for their going to the next port of that Prince or State from which they have received their commissions.

ARTICLE XXVI.

Pirates.

It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offenses.

Their ships and goods to be seized.

And all their ships, with the goods or merchandises, taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents duly authorized by them; (proper evidence being first given before competent judges for proving the property;) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.

ARTICLE XXVII.

Fisheries.

Neither party will intermeddle in the fisheries of the other on its coasts, nor disturb the other in the exercise of the rights which it now holds or may acquire on the coast of Newfoundland, in the Gulph of St. Lawrence, or elsewhere on the American coast northward of the United States. But the whale and seal fisheries shall be free to both in every quarter of the world.

Ratifications.

This convention shall be ratified on both sides in due form, and the ratifications exchanged in the space of six months, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles both in the French and English languages, and they have thereto affixed their seals: declaring, nevertheless, that the signing in the two languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done at Paris the eighth day of Vendèmiaire of the ninth year of the French Republic, the thirtieth day of September, anno Domini eighteen hundred.

[SEAL.]	J. BONAPARTE.
[SEAL.]	C. P. FLEURIEU.
[SEAL.]	ROEDERER.
[SEAL.]	O. ELLSWORTH.
[SEAL.]	W. R. DAVIE.
[SEAL.]	W. V. MURRAY.

[The Senate of the United States did, by their resolution of the 3d day of February, 1801, consent to and advise the ratification of the convention: *Provided*, The second article be expunged, and that the follow-

ing article be added or inserted: "It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications."

Bonaparte, First Consul, in the name of the French people, consented on the 31st July, 1801, "to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, That by this retrenchment the two States renounce the respective pretentions, which are the object of the said article."

These ratifications, having been exchanged at Paris on the 31st of July, 1801, were again submitted to the Senate of the United States, which on the 19th of December, 1801, declared the convention fully ratified, and returned it to the President for promulgation.]

1803.

TREATY FOR THE CESSION OF LOUISIANA TO THE UNITED STATES.

Concluded April 30, 1803; *Ratifications exchanged at Washington October* 21,1803; *Proclaimed October* 21, 1803.

The President of the United States of America, and the First Consul of the French Republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendémiaire, an 9 (30th September, 1800) relative to the rights claimed by the United States, in virtue of the treaty concluded at Madrid, the 27th of October, 1795, between his Catholic Majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their Plenipotentiaries, to wit: the President of the United States, by and with the advice and consent of the Senate of the said States, Robert R. Livingston, Minister Plenipotentiary of the United States, and James Monroe, Minister Plenipotentiary and Envoy Extraordinary of the said States, near the Government of the French Republic; and the First Consul, in the name of the French people, Citizen Francis Barbé Marbois, Minister of the Public Treasury; who, after having respectively exchanged their full powers, have agreed to the following articles: Negotiators.

ARTICLE I.

Whereas by the article the third of the treaty concluded at St. Idelfonso, the 9th Vendémiaire, an 9 (1st October, 1800,) between the First Consul of the French Republic and His Catholic Majesty, it was agreed as follows: "His Catholic Majesty promises and engages on his part, to cede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein relative to His Royal Highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States." And whereas, in pursuance of the Retrocession from Spain to France.

treaty, and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory: The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above-mentioned treaty, concluded with His Catholic Majesty.

ARTICLE II.

Objects included in cession.

In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks and other edifices which are not private property. The archives, papers and documents, relative to the domain and sovereignty of Louisiana and its dependences, will be left in the possession of the commissaries of the United States, and copies will be afterwards given in due form to the magistrates and municipal officers of such of the said papers and documents as may be necessary to them.

Archives.

ARTICLE III.

Inhabitants of ceded territory.

The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess.

ARTICLE IV.

A Commissary to be sent from France to receive the province of Louisiana, and to pass it over to the United States.

There shall be sent by the Government of France a Commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of His Catholic Majesty the said country and its dependences, in the name of the French Republic, if it has not been already done, as to transmit it in the name of the French Republic to the Commissary or Agent of the United States.

ARTICLE V.

United States to take possession.

Immediately after the ratification of the present treaty by the President of the United States, and in case that of the First Consul shall have been previously obtained, the Commissary of the French Republic shall remit all military posts of New Orleans, and other parts of the ceded territory, to the Commissary or Commissaries named by the President to take possession; the troops, whether of France or Spain, who may be there, shall cease to occupy any military post from the time of taking possession, and shall be embarked as soon as possible, in the course of three months after the ratification of this treaty.

Article VI.

The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians, until, by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon.

Indian treaties to be executed by United States.

Article VII.

As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on; it has been agreed between the contracting parties, that the French ships coming directly from France or any of her colonies, loaded only with the produce and manufactures of France or her said colonies; and the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, shall be admitted during the space of twelve years in the port of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain, or any of their colonies, without being subject to any other or greater duty on merchandise, or other or greater tonnage than that paid by the citizens of the United States.

Privileges extended to vessels of France and Spain.

During the space of time above mentioned, no other nation shall have a right to the same privileges in the ports of the ceded territory; the twelve years shall commence three months after the exchange of ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French Government, if it shall take place in the United States; it is however well understood that the object of the above article is to favor the manufactures, commerce, freight and navigation of France and of Spain, so far as relates to the importations that the French and Spanish shall make into the said ports of the United States, without in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandise of the United States, or any right they may have to make such regulations.

Vessels of other nations not entitled to like privileges.

Article VIII.

In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favoured nations in the ports above mentioned.

Most favored nation.

Article IX.

The particular convention signed this day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French Republic prior to the 30th Septr. 1800, (8th Vendémiaire, an 9,) is approved, and to have its execution in the same manner as if it had been inserted in this present treaty; and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

Other Conventions of same date to be ratified jointly.

Another particular convention signed at the same date as the present treaty relative to a definitive rule between the contracting parties is in the like manner approved, and will be ratified in the same form, and in the same time, and jointly.

ARTICLE X.

Ratifications.

The present treaty shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months after the date of the signature by the Minisfers Plenipotentiary, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed these articles in the French and English languages; declaring nevertheless that the present treaty was originally agreed to in the French language; and have thereunto affixed their seals.

Done at Paris the tenth day of Floréal, in the eleventh year of the French Republic, and the 30th of April, 1803.

[SEAL.] ROBT. R. LIVINGSTON.
[SEAL.] JAS. MONROE.
[SEAL.] BARBÉ MARBOIS.

1803.

CONVENTION FOR PAYMENT OF SIXTY MILLION OF FRANCS BY THE U. S.

Concluded April 30, 1803; *Ratifications exchanged at Washington October* 21, 1803; *Proclaimed October* 21, 1803.

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, in consequence of the treaty of cession of Louisiana, which has been signed this day, wishing to regulate definitively everything which has relation to the said cession, have authorized to this effect the Plenipotentiaries, that is to say: The President of the United States has, by and with the advice and consent of the Senate of the said States, nominated for their Plenipotentiaries, Robert R. Livingston, Minister Plenipotentiary of the United States, and James Monroe, Minister Plenipotentiary and Envoy Extraordinary of the said United States, near the Government of the French Republic; and the First Consul of the French Republic, in the name of the French people, has named as Plenipotentiary of the said Republic, the citizen Francis Barbé Marbois; who, in virtue of their full powers, which have been exchanged this day, have agreed to the following articles:

Negotiators.

ARTICLE I.

Sum to be paid by United States.

The Government of the United States engages to pay to the French Government in the manner specified in the following article, the sum of sixty millions of francs, independent of the sum which shall be fixed by another convention for the payment of the debts due by France to citizens of the United States.

ARTICLE II.

For the payment of the sum of sixty millions of francs, mentioned in the preceding article, the United States shall create a stock of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per cent. per annum, payable half yearly in London, Amsterdam, or Paris, amounting by the half year, to three hundred and thirty-seven thousand five hundred dollars, according to the proportions which shall be determined by the French Government to be paid at either place; the principal of the said stock to be re-imbursed at the Treasury of the United States, in annual payments of not less than three millions of dollars each, of which the first payment shall commence fifteen years after the date of the exchange of ratifications: this stock shall be transferred to the Government of France, or to such person or persons as shall be authorized to receive it, in three months at most after the exchange of the ratifications of this treaty, and after Louisiana shall be taken possession of in the name of the Government of the United States.

Stock of $11,250,000, with interest, to be created by United States.

First payment.

It is further agreed, that if the French Government should be desirous of disposing of the said stock to receive the capital in Europe, at shorter terms, that its measures for that purpose shall be taken so as to favor, in the greatest degree possible, the credit of the United States, and to raise to the highest price the said stock.

French Government selling stock in Europe, to do it upon the best terms for United States.

ARTICLE III.

It is agreed that the dollar of the United States, specified in the present convention, shall be fixed at five francs $\frac{3333}{10000}$ or five livres eight sous tournois.

Value of the dollar of United States.

The present convention shall be ratified in good and due form, and the ratification shall be exchanged in the space of six months to date from this day, or sooner if possible.

Ratifications.

In faith of which, the respective Plenipotentiaries have signed the above articles, both in the French and English languages, declaring, nevertheless, that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris the tenth of Floréal, eleventh year of the French Republic, (30th April, 1803.)

[SEAL.] ROBT. R. LIVINGSTON.
[SEAL.] JAS. MONROE.
[SEAL.] BARBÉ MARBOIS.

1803.

CONVENTION FOR PAYMENT OF SUMS DUE BY FRANCE TO CITIZENS OF THE UNITED STATES.

Concluded April 30, 1803; *Ratifications exchanged at Washington October* 21, 1803; *Proclaimed October* 21, 1803.

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisiana, and established on a solid foundation the friendship which unites the two

nations, and being desirous, in compliance with the second and fifth articles of the convention of the eighth Vendémiaire, ninth year of the French Republic, (30th September, 1800,) to secure the payment of the sums due by France to the citizens of the United States, have respectively nominated as Plenipotentiaries, that is to say: the President of the United States of America, by and with the advice and consent of their Senate, Robert R. Livingston, Minister Plenipotentiary, and James Monroe, Minister Plenipotentiary and Envoy Extraordinary of the said States, near the Government of the French Republic; and the First Consul, in the name of the French people, the citizen Francis Barbé Marbois, Minister of the Public Treasury; who, after having exchanged their full powers, have agreed to the following articles:

Negotiators.

ARTICLE I.

The debts due by France to citizens of the United States, contracted before the 8th of Vendémiaire, ninth year of the French Republic, (30th September, 1800,) shall be paid according to the following regulations, with interest at six per cent., to commence from the period when the accounts and vouchers were presented to the French Government.

Debts due from France to citizens of United States to be paid according to fixed regulations.

ARTICLE II.

The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present Convention, and which, with the interest, cannot exceed the sum of twenty millions of francs. The claims comprised in the said note which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision.

Debts provided for by the preceding article.

ARTICLE III.

The principal and interests of the said debts shall be discharged by the United States, by orders drawn by their Minister Plenipotentiary on their treasury; these orders shall be payable sixty days after the exchange of ratifications of the treaty and the conventions signed this day, and after possession shall be given of Louisiana by the commissaries of France to those of the United States.

Mode of payment.

ARTICLE IV.

It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention, 8th Vendémiaire, ninth year, (30th September, 1800.)

What claims are comprehended by the preceding articles.

ARTICLE V.

The preceding articles shall apply only, 1st, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States, otherwise than he might have had to the Government of the French Republic, and only in case of insufficiency of

To what cases they are particularly to apply.

the captors; 2d, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendémiaire, an 9, (30th September, 1800,) the payment of which has been heretofore claimed of the actual Government of France, and for which the creditors have a right to the protection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed: it is the express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens, who shall have established houses of commerce in France, England or other countries than the United States, in partnership with foreigners, and who by that reason and the nature of their commerce ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandize, which shall not be the property of American citizens, are equally excepted from the benefit of the said Convention, saving, however, to such persons their claims in like manner as if this Treaty had not been made.

Cases excluded.

Article VI.

And that the different questions which may arise under the preceding article may be fairly investigated, the Ministers Plenipotentiary of the United States shall name three persons, who shall act from the present and provisionally, and who shall have full power to examine, without removing the documents, all the accounts of the different claims already liquidated by the bureaus established for this purpose by the French Republic, and to ascertain whether they belong to the classes designated by the present convention and the principles established in it; or if they are not in one of its exceptions and on their certificate, declaring that the debt is due to an American citizen or his representative, and that it existed before the 8th Vendémiaire, 9th year, (30th September, 1800,) the debtor shall be entitled to an order on the Treasury of the United States, in the manner prescribed by the third article.

Appointment of Commissioners.

Article VII.

The same agents shall likewise have power, without removing the documents, to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the exceptions contained in the present convention.

Examination and certification of claims to be admitted.

Article VIII.

The same agents shall likewise examine the claims which are not prepared for liquidation, and certify in writing those which in their judgment ought to be admitted to liquidation.

Examination of claims not prepared for liquidation.

Article IX.

In proportion as the debts mentioned in these articles shall be admitted, they shall be discharged with interest, at six per cent., by the Treasury of the United States.

How and where debts shall be discharged.

Article X.

Commercial agent of United States at Paris to assist in the examination of claims.

And that no debt which shall not not have the qualifications above mentioned, and that no unjust or exorbitant demand may be admitted, the Commercial Agent of the United States at Paris, or such other agent as the Minister Plenipotentiary of the United States shall think proper to nominate, shall assist at the operations of the bureaus, and co-operate in the examinations of the claims; and if this Agent shall be of opinion that any debt is not completely proved, or if he shall judge that it is not comprised in the principles of the fifth article above mentioned, and if, notwithstanding his opinion, the bureaus established by the French Government should think that it ought to be liquidated, he shall transmit his observations to the board established by the United States, who, without removing documents, shall make a complete examination of the debt and vouchers which support it, and report the result to the Minister of the United States. The Minister of the United States shall transmit his observations, in all such cases, to the Minister of the Treasury of the French Republic, on whose report the French Government shall decide definitively in every case.

Rejection of a claim to exempt United States from paying it.

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself the right to decide definitively on such claim so far as it concerns itself.

Article XI.

Decisions.

Every necessary decision shall be made in the course of a year, to commence from the exchange of ratifications, and no reclamation shall be admitted afterwards.

Article XII.

Claims since 30th Sept., 1800, may be pursued, and payment demanded.

In case of claims for debts contracted by the Government of France with citizens of the United States since the 8th Vendémiaire, ninth year, (30th September, 1800,) not being comprised in this convention, may be pursued, and the payment demanded in the same manner as if it had not been made.

Article XIII.

Ratifications.

The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in six months from the date of the signature of the Ministers Plenipotentiary, or sooner if possible.

In faith of which, the respective Ministers Plenipotentiary have signed the above articles both in the French and English languages, declaring, nevertheless, that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris, the tenth of Floréal, eleventh year of the French Republic, thirtieth April, 1803.

[SEAL.] Robt. R. Livingston.
[SEAL.] Jas. Monroe.
[SEAL.] Barbé Marbois.

TABLEAU GÉNÉRAL DES RÉCLAMATIONS AMÉRICAINES.

Liquidation générale de la dette publique, 4me direction, 1re section.

CRÉANCES RECONNUES PAR L'EX-COMMISSION DE LA COMPTABILITÉ INTERMÉDIAIRE.

Numéros.	Dates des arrêtés de la commission portant liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionnaires.	Objects des réclamations.	Sommes liquidées ou à liquider.	Observations.
				Liv. s. d.	
No.	An X.				
1	Ventôse 2	Maurice Giraud, par James Swan	Riz et farines versés à Paris	112,862 2 8	Fourniture réglée par le ministre de l'intérieur.
2	" dit.	—— Smith, par le même	Viande salée livrée au Havre	12,836 5 0	Pour solde. Na. Il avait été payé sur cette M. Bo. 67,849 9 9 ou L. Tourn. 125,521 13.
3	" 4	Waters Griffith, par le même	Farine versée à l'Orient	132,160 0 0	Indépendamment d'un à-compte reçu de 40,000.
4	" 24	Thomas Ramsden, par le même	Solde de draperie livrée à Dunkerque	173,861 15 0	
5	" dit.	Benjamin Jenné, par le même	Cuir, coton et indigo versés au Havre en l'an 2	149,457 16 8	
6	" dit.	John Andrews, par le même	Cuir, coton et indigo versés au Havre en l'an 3	298,375 15 0	
7	" 26	—— Clark, par Gueslain	Cent pièces guinées bleues versées au Sénégal en l'an 4.	6,800 0 0	Créance réglée par le Cen. Rozier, vice-consul à New York.
8	" dit.	Riebins Smith, par le même	Farines versées à l'Orient et à Bordeaux en l'an 3.	187,388 18 9	Pour solde, le tiers ayant été payé d'avance en Amérique sur réglemt. du même Rozier.
9	Germinal 12	Le Barring, par James Swan	Vins et eaux de vie versés à l'Isle de France en l'an 2.	204,183 0 0	Une partie a été payée par l'administration du Cap en papier-monnaie.
10	Floréal 8	Taney et Simons, par Mellville	Riz du navire Carolina Planter	177,153 4 0	Indépendamment d'un à-compte reçu de 32,087. *Espèces.*
11	" 23	John Higgenson	Bœuf salé et cuirs à semelles, versés à Bordeaux en l'an 3.	111,206 10 0	L'autre moitié payée en l'an 4.
12	" 29	Josua Barney	Farine versée à Bordeaux en l'an 2	156,105 16 9	Une partie de cette fourniture a été payée en vins et eaux de vie.
13	Prairial 2	Peter Whiteside	Draperie livrée à Boulogne-sur-Mer en l'an 2	122,367 8 0	Pour solde, un quart payé en l'an 3.
14	" 4	Joseph Sands	Cuirs et viandes salées livrés à Bordeaux, Brest, le Havre, et les Sables.	138,850 17 3	Pour solde, une partie payée en l'an 4.
15	" 6	John R. Livingston	Cuirs livrés au Havre et à Brest en l'an 3	330,786 12 0	Payé en l'an 4, —— 40,726.
16	" 19	James Swan et Schweitzer	Réglement définitif de compte comme agent du gouvernement, environs.	1,000,000 0 0	Pour autant dû à sa maison particulière pour les objets qui lui sont propres et défalcation des parties qui lui sont communes avec Schweitzer.
17	" 26	John Sinclair	Demeurage en France; surestaries de trois bricks: Polly, Succès, Recovery.	50,914 4 9	
	An. XI.				
18	Brumaire 25	James Grubb	Cargaison de farine versée à Saint Domingo	94,468 7 8	Cette liquidation est la dernière arrêtée par la commission, dont les opérations ont été suspendues à l'époque de la création du conseil de liquidation, (an 1ère vendémiaire an 10).
				3,459,778 13 6	

CRÉANCES À LIQUIDER DONT LES RAPPORTS ONT ÉTÉ SOUMIS À L'APPROBATION DU DIRECTEUR PARTICULIER.

Numéros.	Dates des arrêtés de la commission portant liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionnaires.	Objets des réclamations.	Sommes liquidées ou à liquider.			Observations.
				Liv.	*s.*	*d.*	
19		John Smith, capitaine du navire La Nancy.	Bleds et farines versés à Brest	109,806	15	9	James Barry, propriétaire.
20		Hugg Gemmil, do. du navire Malgivra		161, 790	3	9	
21		—— Low, do. du Succès	7, 152½ poignées de morue livrées à l'Orient	16, 865	14	8	Pour solde.
22		John Grist, do. de l'Hannah	Farines pour l'approvisionnement de Belle Isle	100, 226	11	8	Idem.
23		Erick Gladd, do. de la Lydia	Idem	128, 347	7	3	Deux voyages.
24		Gust Griffin, do. du Nantilhes	Idem	12, 305	17	6	
25		William Carhart, do. de la Colombia	Idem	113, 672	12	0	
26		Salomon Coock, do. de la Seaflower	Idem	26, 989	3	8	
27		Edward Staples, do. de la Diana	Idem	28, 582	10	8	
28		Samuel Norwood, do. de la Lydia	Idem	43, 437	2	9	
29		—— Scheffieds, do. de l'Oneyda	Idem	225, 016	0	0	
30		—— Barrowdale, do. de l'Eliza	Idem	60, 228	0	0	
31		Thomas Norton, do. du Thorne	Farines et chandelles pour idem	107, 057	15	0	
32		Jam. Hemphile, do. de la Sally	Farines pour l'approvisionnent de Belle Isle	197, 642	11	7	Deux voyages.
33		Isaac Snow, do. de l'Industrie	Morue livrée à l'Orient	18, 062	5	3	Pour solde. Les deux tiers payés.
34		—— Hodge, do. du Henry	Frets de gaudron et surestaries	20, 020	15	3	
35		—— Buffington, do. de la Branche d'Olive.	Farine, chandelle, savon, morue, &c., livrés à l'Orient.	173, 378	0	2	
36		Alex. Black, do. du Samuel	Sucre, café, riz et douvelles livrés à Port Malo.	33, 492	11	3	
37		—— Lowette, do. du Lark	Morue livrée à Bayonne	89, 471	0	0	
38		—— Wales, do. du Genet	Chanvre pour le service de la marine à l'Orient	43, 937	10	6	Pour solde.
39		—— Blund, do. du Hero	Riz, indigo et douvelles livrés à Cherbourg	23, 665	1	0	Do.
40		—— Buisson, do. de la Peggy	Surestaries, assignats, 19,032	74, 053	7	9	Suspendu.
41		Tupper & Platt, do. de l'Émilie	Fret, surestaries, remboursement du navire	287, 679	10	0	Ajourné par le Cen. Guillaume.
42		—— Tilcomb, do. de la Marie	Fin de solde de surestaries	79, 200	0	0	
43		—— Coleman, do. le Fame	Surestaries	1, 152	0	0	
44		—— Willing, do. de la Sophie	Cargaison et surestaries	91, 457	6	0	Ajourné.
45		—— Nash. do la Betsey	Farines livrées au Cap	9, 900	0	0	
46		John Peters, do. du Ruth	Solde des surestaries	2, 489	1	6	
47		William Thompson, do. de l'Aquila	Sucre saisé à Ostende	674, 278	11	2	
48		—— Kemps, do. du Governor Mifflin	Solde de fret	38, 902	10	0	
49		Richard Lann, do. de L'amie Suzanne	Surestaries	9, 600	0	0	
50		—— Dunham, do. de l'Abigail	Idem	3, 150	0	0	
51		Joseph Sands, do. de l'Hamilton	Idem	100, 000	0	0	
52		Le meme	Rectification de la liquidation faite à son profit par la comptabilité interméd.	237, 600	0	0	Erreur reconnue par la trésorerie.
53		James Swan, pour Le Barring	Surestaries	45, 736	0	0	
54		Joseph J. Miller, Capte de l'Illinois	Poudre, farine et salaisons livrés à St. Domingue et à la Guadeloupe.	1, 135, 504	1	8	
55		Henry Salder		504, 897	13	4	
56		Ge. Wm. Murray		64, 084	0	0	
				5, 093, 679	10	2	

57		Richard Christie, capitaine de la Polly		3,847 10 0
58		James Craig, do. de la Prosperity		24,724 10 6
59		—— Daingerfield, do. du St. Tammani		36,977 15 6
60		William Collet, do. de la Paix		11,786 13 4
61		Joseph Glenn, do. des Quatres Amis		26,693 6 8
62		John Mitchell, do. de la Molly		60,391 1 0
63		Simon Swall, do. du Chef Indien		28,719 10 0
64		Samuel Gerrish, do. de la Caroline		8,759 18 1
65		—— Godrich, do. de Severn		74,253 7 0
66		J. Justice, do. de la Theodosia		12,311 18 6
67		—— Jenning, do. du John		100,847 16 4
68		—— Edgar, do. de la Sally		28,537 5 0
69		John Broock, do. du Robin		25,504 17 9
70		—— Maxwell, do. la Juno		13,084 3 4
71		—— Beard, do. de l'Union		152,047 13 3
72		—— Monk, do. du Portsmouth		225,262 16 0
73		Joseph Pitcairn		224,849 8 9
74		E. Giles, do. du Jerusha		91,373 7 1
75		—— Reide, do. du Little Cherubim		72,627 10 2
76		J. John, [Jongher,] do. du Swanwick		70,348 15 0
77		—— West, do. du Suffolk	3,866 veltes eau de vie	Non-appréciées.
78		—— Tood, do. du Mercure		25,055 12 6
79		—— Olney, do du Friendship		45,507 0 0
80		—— Parker, do. de l'Iris		15,742 10 9
81		—— Carleton, do. de l'Eunice		29,317 1 8
82		—— Gruder, do. de l'Apollo		44,542 6 8
83		—— Monroe, négociant		12,980 0 0
84		John Clark, capitaine du navire le John Alexander.		20,689 10 [illegible]
85		—— Colley, do. de la Paix		1,078 12 0
86		J. B. Hodgson, do. du Woodrop Sims		115,174 10 0
87		Elias Simes, do. du George		62,357 13 0
88		Elie Cabot, négotiant		40,107 6 [illegible]
89		Pre. Changeur, Deyme et Comp		179,588 0 0
90		William S. Rust, capitaine du navire la Marie.		14,400 0 0
91		John Burlingham, do. du Mary		30,032 9 0
92		—— Kinsman, do. du Roebuck		18,655 0 0
93		—— Ingraham, do. de l'Entreprise		157,600 0 [illegible]
94		William Cook, do. du Trenton		1,352 9 6
95		Murray et Lawrence, négociants		2,200,000 0 0
96		—— Wooberry, capitaine du navire le Neptune.		105,707 13 0
97		—— Cowell, do. de la Jeanne		pour mémoire.
98		—— Stevens, do. du Hopp		20,926 11 11
99		Samuel Makins, do. de l'Andrews		7,614 16 0
100		—— White, do. du Laurens		152,579 1 0
101		Zacharie Coppman		663,739 16 4

CRÉANCES À LIQUIDER DONT L'EXAMEN ET LE TRAVAIL N'ONT POINT ENCORE ÉTÉ FAITS—Continued.

Numéros.	Dates des arrêtés de la commission portant liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionaires.	Objets des réclamations.	Sommes liquidées ou à liquider.	Observations.
				Liv. *s.* *d.*	
102	.....	J. Loup, capitaine du Cassius	.....	106, 323 0 0	
103	.....	Walter Kerr, do. du Kensington	.....	21, 352 0 0	
104	.....	—— Ellison, do. du Good Friends	.....	182, 157 8 0	
105	.....	—— Hayes fils, do. du Peters, de Boston.	Cargaison & surestaries	69, 023 19 4	
106	.....	Stephen Higginson	Fourniture de farine au Cap	55, 335 6 0	
107	.....	Bernard Dugan & Compagnie	Idem	90, 344 18 0	Argent des Isles.
108	.....	—— Barney	Approvisionnement des magasins du Cap	695, 550 10 0	Pour solde.
109	.....	Gillies, (Robert,) capitaine du navire The Fair.	Fret et cargaisons	395, 002 6 0	
110	.....	Girard, (Stephen)	Solde d'une lettre de change	16, 537 10 0	
111	.....	Randall, (Paul Richard)	Idem	50, 944 6 0	
112	.....	James Thayer	Traite sur le Sénégal	5, 663 12 0	
113	.....	Fulwar Skipwith	Quatre traites tirées de St. Domingue	64, 875 14 0	
114	.....	Le même	Pour 11 lettres de change tirées des colonies	25, 562 12 0	
115	.....	Le même	Pour une traite tirée de St. Domingue	29, 712 6 11	
116	.....	Le même	Pour trois traites sur la Guadeloupe	13, 703 6 6	
117	.....	Le même	Pour 17 lettres de change sur St. Domingue	333, 501 14 0	En partie relatives au navire Le Baring.
118	.....	—— Bentalou, par James Swan	Pour 13 traites tirées des colonies	23, 433 6 8	
119	.....	Le même, idem	Pour 26 traites de l'Isle de France	424, 000 0 0	Idem.
120	.....	—— Cronsillat, capitaine du bateau La Nancy.	Pour cargaison	40, 355 15 0	
121	.....	—— Dunlap et Thomas Irwin	Pour cargaison prise pour les besoins de Cayenne.	38, 951 5 0	
122	.....	Stephen Higginson et William Parsons	Fourniture de farine à St. Domingue	94, 694 15 4	
				8, 034, 722 14 4	
		Pour 105 batiments détenus à Bordeaux, par suite de l'embargo de 1793.	.....	3, 301, 122 8 8	

RÉCAPITULATION.

Créances reconnues par l'ex-commission de la comptabilité intermédiaire	3, 459, 778 13 6	
Créances dont les rapports ont été soumis au directeur particulier	5, 093, 679 10 2	Les jugements arbitraux sur lesquels la liquidation a été faite ont déjà alloué les intérêts de plusieurs de ces créances.
Créances à liquider	8, 034, 722 14 4	
Réclamations relatives à l'embargo de 1793	3, 301, 122 8 8	Susceptible d'une réduction considérable.
Total	19, 889, 303 6 8	

1822.

CONVENTION OF NAVIGATION AND COMMERCE.

Concluded June 24, 1822; *Ratifications exchanged at Washington February* 12, 1823; *Proclaimed February* 12, 1823.

The United States of America and His Majesty the King of France and Navarre, being desirous of settling the relations of navigation and commerce between their respective nations, by a temporary convention reciprocally beneficial and satisfactory, and thereby of leading to a more permanent and comprehensive arrangement, have respectively furnished their full powers in manner following, that is to say:

The President of the United States to John Quincy Adams, their Secretary of State, and His Most Christian Majesty to the Baron Hyde de Neuville, Knight of the Royal and Military Order of St. Louis, Commander of the Legion of Honor, Grand Cross of the Royal American Order of Isabella the Catholic, his Envoy Extraordinary and Minister Plenipotentiary near the United States; Negotiators.

Who, after exchanging their full powers, have agreed on the following articles:

ARTICLE I.

Articles of the growth, produce or manufacture, of the United States, imported into France in vessels of the United States, shall pay an additional duty, not exceeding twenty francs per ton of merchandise, over and above the duties paid on the like articles, also of the growth, produce or manufacture, of the United States, when imported in French vessels. Discriminating duties on goods exported in American vessels.

ARTICLE II.

Articles of the growth, produce or manufacture, of France, imported into the United States in French vessels, shall pay an additional duty, not exceeding three dollars and seventy-five cents per ton of merchandise, over and above the duties collected upon the like articles, also of the growth, produce or manufacture of France, when imported in vessels of the United States. Discriminating duties on goods imported in French vessels.

ARTICLE III.

No discriminating duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms into the ports of the United States for transit or re-exportation; nor shall any such duties be levied upon the productions of the soil or industry of the United States, imported in vessels of the United States into the ports of France for transit or re-exportation. No discrimination on goods for transit or re-exportation.

ARTICLE IV.

The following quantities shall be considered as forming the ton of merchandise for each of the articles hereinafter specified: Wines—four 61-gallon hogsheads, or 244 gallons of 231 cubic inches, American measure. Quantities composing the ton.

Brandies, and all other liquids, 244 gallons.

Silks and all other dry goods, and all other articles usually subject to

measurement, forty-two cubic feet, French, in France, and fifty cubic feet American measure, in the United States.

Cotton, 804 lbs. avoirdupois, or 365 kilogrammes.

Tobacco, 1,600 lbs. avoirdupois, or 725 kilogrammes.

Ashes, pot and pearl, 2,240 lbs. avoirdupois, or 1,016 kilogs.

Rice, 1,600 lbs. avoirdupois, or 725 kilogrammes; and for all weighable articles, not specified, 2,240 lbs. avoirdupois, or 1,016 kilogrammes.

ARTICLE V.

Duties on tonnage, light money, pilotage, port charges and brokerage not to exceed certain sums.

The duties of tonnage, light-money, pilotage, port charges, brokerage and all other duties upon foreign shipping, over and above those paid by the national shipping in the two countries respectively, other than those specified in articles 1 and 2 of the present convention, shall not exceed in France, for vessels of the United States, five francs per ton of the vessel's American register; nor for vessels of France in the United States, ninety-four cents per ton of the vessel's French passport.

ARTICLE VI.

Deserters.

The contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective vessels, have agreed that the Consuls and Vice-Consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and Vice-Consuls shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel, or ship's roll, or other official documents, that those men were part of the said crews; and on this demand, so proved, (saving however where the contrary is proved,) the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice-consuls for the search, seizure and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE VII.

Duration of Convention.

The present temporary convention shall be in force for two years from the first day of October next, and even after the expiration of that term, until the conclusion of a definitive treaty, or until one of the parties shall have declared its intention to renounce it; which declaration shall be made at least six months before hand.

Extra duties at the end of two years to be diminished by one-fourth, and so from year to year.

And in case the present arrangement should remain without such declaration of its discontinuance by either party, the extra duties specified in the 1st and 2d articles, shall, from the expiration of the said two years, be, on both sides, diminished by one-fourth of their whole amount, and, afterwards by one-fourth of the said amount from year to year, so long as neither party shall have declared the intention of renouncing it as above stated.

ARTICLE VIII.

The present convention shall be ratified on both sides, and the ratifications shall be exchanged within one year from the date hereof, or sooner if possible. But the execution of the said convention shall commence in both countries on the first of October next, and shall be effective, even in case of non-ratification, for all such vessels as may have sailed *bona fide* for the ports of either nation, in the confidence of its being in force. Ratifications.

In faith whereof, the respective Plenipotentiaries have signed the present convention, and have thereto affixed their seals, at the city of Washington, this 24th day of June, A. D. 1822.

[SEAL.] JOHN QUINCY ADAMS.
[SEAL.] G. HYDE DE NEUVILLE.

SEPARATE ARTICLE.

The extra duties levied on either side before the present day, by virtue of the act of Congress of 15th May, 1820, and of the ordinance of 26th July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded. Extra duties refunded.

Signed and sealed as above, this 24th day of June, 1822.

[SEAL.] JOHN QUINCY ADAMS.
[SEAL.] G. HYDE DE NEUVILLE.

1831.

CONVENTION CONCERNING CLAIMS AND DUTIES ON WINES AND COTTONS.

Concluded July 4, 1831; *Ratifications exchanged at Washington February* 2, 1832; *Proclaimed July* 13, 1832.

The United States of America and His Majesty the King of the French, animated with an equal desire to adjust amicably, and in a manner conformable to equity, as well as to the relations of good intelligence and sincere friendship which unite the two countries, the reclamations formed by the respective Governments, have, for this purpose, named for their Plenipotentiaries, to wit:

The President of the United States, by and with the advice and consent of the Senate, William C. Rives, Envoy Extraordinary and Minister Plenipotentiary of the said United States, near His Majesty the King of the French, and His Majesty the King of the French, Count Horace Sebastiani, Lieutenant General of his Armies, his Minister Secretary of State for the Department of Foreign Affairs, &c., &c.; Negotiators.

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

Article I.

Indemnity to American citizens.

The French Government, in order to liberate itself completely from all the reclamations preferred against it by citizens of the United States, for unlawful seizures, captures, sequestrations, confiscations or destructions of their vessels, cargoes or other property, engages to pay a sum of twenty-five millions of francs to the Government of the United States, who shall distribute it among those entitled, in the manner and according to the rules which it shall determine.

Article II.

Mode of payment.

The sum of twenty-five millions of francs, above stipulated, shall be paid at Paris, in six annual instalments, of four millions one hundred and sixty-six thousand six hundred and sixty-six francs sixty-six centimes each, into the hands of such person or persons as shall be authorized by the Government of the United States to receive it.

The first instalment shall be paid at the expiration of one year next following the exchange of the ratifications of this Convention, and the others at successive intervals of a year, one after another, till the whole shall be paid.

To the amount of each of the said instalments shall be added interest at four per cent. thereupon, as upon the other instalments then remaining unpaid; the said interest to be computed from the day of the exchange of the ratifications of the present Convention.

Article III.

Indemnity to French citizens.

The Government of the United States, on its part, for the purpose of being liberated completely from all the reclamations presented by France on behalf of its citizens, or of the Royal Treasury, (either for ancient supplies or accounts, the liquidation of which had been reserved, or for unlawful seizures, captures, detentions, arrests or destructions of French vessels, cargoes, or other property,) engages to pay to the Government of His Majesty (which shall make distribution of the same in the manner and according to the rules to be determined by it) the sum of one million five hundred thousand francs.

Article IV.

Mode of payment.

The sum of one million five hundred thousand francs, stipulated in the preceding article, shall be payable in six annual instalments, of two hundred and fifty thousand francs; and the payment of each of the said instalments shall be effected by a reservation of so much out of the annual sums which the French Government is bound, by the second article above, to pay to the Government of the United States.

To the amount of each of these instalments shall be added interest at four per cent. upon the instalment then paid, as well as upon those still due; which payments of interest shall be effected by means of a reservation, similar to that already indicated for the payment of the principal. The said interest shall be computed from the day of the exchange of the ratifications of the present Convention.

Article V.

As to the reclamations of French citizens against the Government of the United States, and the reclamations of citizens of the United States against the French Government, which are of a different nature from those which it is the object of the present convention to adjust, it is understood that the citizens of the two nations may prosecute them in the respective countries before the competent judicial or administrative authorities, in complying with the laws and regulations of the country, the dispositions and benefit of which shall be applied to them, in like manner as to native citizens.

Claims not provided for by present Convention may be prosecuted in accordance with laws of the respective countries

Article VI.

The French Government and the Government of the United States reciprocally engage to communicate to each other, by the intermediary of the respective legations, the documents, titles or other informations proper to facilitate the examination and liquidation of the reclamations comprised in the stipulations of the present convention.

Documents and papers to be reciprocally communicated.

Article VII.

The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union at duties which shall not exceed the following rates, by the gallon, (such as it is used at present for wines in the United States,) to wit: six cents for red wines in casks; ten cents for white wines in casks; and twenty-two cents for wines of all sorts in bottles. The proportion existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the first of January, 1829, shall be maintained, in case the Government of the United States should think proper to diminish those general rates in a new tariff.

French wines.

In consideration of this stipulation, which shall be binding on the United States for ten years, the French Government abandons the reclamations which it had formed in relation to the 8th article of the treaty of cession of Louisiana. It engages, moreover, to establish on the long staple cottons of the United States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the United States, or by French vessels, the same duties as on short staple cottons.

Eighth article Louisiana cession treaty.

Article VIII.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, in the space of eight months, or sooner if possible.

Ratifications.

In faith of which, the respective Plenipotentiaries have signed these articles, and thereto set their seals.

Done at Paris the fourth day of the month of July, one thousand eight hundred and thirty-one.

[SEAL.] W. C. Rives.
[SEAL.] Horace Sebastiani.

1843.

CONVENTION FOR THE EXTRADITION OF CRIMINALS.*

Concluded November 9, 1843; *Ratifications exchanged at Washington April* 12, 1844; *Proclaimed April* 13, 1844.

The United States of America and His Majesty the King of the French having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, the said United States of America and His Majesty the King of the French have named as their Plenipotentiaries to conclude a convention for this purpose:

That is to say, the President of the United States of America, Abel P. Upshur, Secretary of State of the United States, and His Majesty the King of the French, the Sieur Pageot, officer of the Royal Order of the Legion of Honor, his Minister Plenipotentiary, ad interim, in the United States of America; Negotiators.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

It is agreed that the high contracting parties shall, on requisitions made in their name, though the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in the next following article, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial, if the crime had been there committed. Extradition.

ARTICLE II.

Persons shall be so delivered up who shall be charged, according to the provisions of this convention, with any of the following crimes, to wit: Murder, (comprehending the crimes designated in the French penal code by the terms, assassination, parricide, infanticide and poisoning,) or with an attempt to commit murder, or with rape, or with forgery, or with arson, or with embezzlement by public officers, when the same is punishable with infamous punishment. Crimes.

ARTICLE III.

On the part of the French Government, the surrender shall be made only by authority of the Keeper of the Seals, Minister of Justice; and on the part of the Government of the United States, the surrender shall be made only by authority of the Executive thereof. Surrender, by whom to be made.

* See also conventions of February 24, 1845, and February 10, 1858.

ARTICLE IV.

The expenses of any detention and delivery effected in virtue of the preceding provisions shall be borne and defrayed by the Government in whose name the requisition shall have been made. Expenses.

ARTICLE V.

The provisions of the present convention shall not be applied in any manner to the crimes enumerated in the second article, committed anterior to the date thereof, nor to any crime or offence of a purely political character. Extradition not to apply to political offences.

ARTICLE V.

This convention shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated, except by mutual consent, unless the party desiring to abrogate it shall give six months' previous notice of his intention to do so. It shall be ratified, and the ratifications shall be exchanged within the space of six months, or earlier if possible. Duration of Convention. Ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have affixed thereto the seal of their arms.

Done at Washington the ninth day of November, anno Domini one thousand eight hundred and forty-three.

[SEAL.] A. P. UPSHUR.
[SEAL.] A. PAGEOT.

1845.

CONVENTION FOR THE EXTRADITION OF CRIMINALS,* BEING AN ADDITIONAL ARTICLE TO THE TREATY OF NOVEMBER 9, 1843.

Concluded February 24, 1845; *Ratifications exchanged at Paris June* 21, 1845; *Proclaimed July* 24, 1845.

The crime of robbery, defining the same to be the felonious and forcible taking from the person of another, of goods or money to any value, by violence, or putting him in fear; and the crime of burglary, defining the same to be, breaking and entering by night into a mansion-house of another, with intent to commit felony; and the corresponding crimes included under the French law in the words *vol qualifié crime*, not being embraced in the second article of the convention of extradition concluded between the United States of America and France, on the ninth of November, 1843, it is agreed by the present article, between the high contracting parties, that persons charged with those crimes shall be respectively delivered up, in conformity with the first article of the said convention; and the present article, when ratified by the parties, shall constitute a part of the said convention, and shall have the same force as if it had been originally inserted in the same. Robbery and burglary defined and included in Convention.

* See also convention of February 10, 1858.

In witness whereof, the respective Plenipotentiaries have signed the present article, in duplicate, and have affixed thereto the seal of their arms.

Done at Washington this twenty-fourth of February, 1845.

[SEAL.] J. C. CALHOUN.
[SEAL.] A. PAGEOT.

1853.

CONVENTION CONCERNING THE RIGHTS AND PRIVILEGES OF CONSULS.

Concluded February 23, 1853; *Ratifications exchanged at Washington August* 11, 1853; *Proclaimed August* 12, 1853.

The President of the United States of America, and his Majesty the Emperor of the French, being equally desirous to strengthen the bonds of friendship between the two nations, and to give a new and more ample development to their commercial intercourse, deem it expedient, for the accomplishment of that purpose, to conclude a special convention which shall determine, in a precise and reciprocal manner, the rights, privileges and duties of the Consuls of the two countries. Accordingly they have named:

Negotiators.

The President of the United States, the Honorable Edward Everett, Secretary of State of the United States; His Majesty the Emperor of the French, the Count de Sartiges, Commander of the Imperial Order of the Legion of Honor, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Exequatura.

The Consuls-General, Consuls and Vice-Consuls or Consular Agents of the United States and France shall be reciprocally received and recognized, on the presentation of their commissions, in the form established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them without charge; and on the exhibition of this exequatur, they shall be admitted at once, and without difficulty, by the territorial authorities, federal or State, judicial or executive, of the ports, cities and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The Government that furnishes the exequatur reserves the right to withdraw it on a statement of the reasons for which it has thought proper to do so.

ARTICLE II.

Privileges and immunities.

The Consuls-General, Consuls Vice-Consuls or Consular Agents of the United States and France, shall enjoy in the two countries the privileges usually accorded to their offices, such as personal immunity, except in the case of crime, exemption from military billetings, from service in the militia or the national guard, and other duties of the same nature; and from all direct and personal taxation, whether federal, State or municipal. If, however, the said Consuls-General, Consuls, Vice-Consuls or Consular Agents, are citizens of the country in which they reside; if they are, or become, owners of property there, or engage in commerce, they shall be subject to the same taxes and imposts, and with the reservation of

Citizens of the State to which they are appointed.

the treatment granted to Commercial Agents, to the same jurisdiction, as other citizens of the country who are owners of property, or merchants.

They may place on the outer door of their offices, or of their dwelling-houses, the arms of their nation, with an inscription in these words: "Consul of the United States," or "Consul of France;" and they shall be allowed to hoist the flag of their country thereon. Arms and flags.

They shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes, or deposition, is to be received from them in the administration of justice, they shall be invited, in writing, to appear in court, and if unable to do so, their testimony shall be requested in writing, or be taken orally at their dwellings. Evidence of Consuls in courts of law.

Consular pupils shall enjoy the same personal privileges and immunities as Consuls-General, Consuls, Vice-Consuls or Consular Agents. Consular pupils.

In case of death, indisposition or absence of the latter, the Chancellors, Secretaries, and Consular pupils attached to their offices, shall be entitled to discharge ad interim the duties of their respective posts; and shall enjoy whilst thus acting the prerogatives granted to the incumbents. Death of Consuls.

Article III.

The consular offices and dwellings shall be inviolable. The local authorities shall not invade them under any pretext. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. Consular dwelling and archives.

Article IV.

The Consuls-General, Consuls, Vice-Consuls or Consular Agents, of both countries, shall have the right to complain to the authorities of the respective Governments, whether federal or local, judicial or executive, throughout the extent of their consular district, of any infraction of the treaties or conventions existing between the United States and France, or for the purpose of protecting informally the rights and interests of their countrymen, especially in cases of absence. Should there be no diplomatic agent of their nation, they shall be authorized, in case of need, to have recourse to the General or Federal Government of the country in which they exercise their functions. Application to governmental authorities.

Article V.

The respective Consuls-General, and Consuls, shall be free to establish, in such parts of their districts as they may see fit, Vice-Consuls, or Consular Agents, who may be taken indiscriminately from among Americans of the United States, Frenchmen, or citizens of other countries. These agents, whose nomination, it is understood, shall be submitted to the approval of the respective Governments, shall be provided with a certificate given to them by the Consul by whom they are named, and under whose orders they are to act. Power of Consul to appoint vice-consuls and agents.

ARTICLE VI.

Verification and custody of certain papers.

The Consuls-General, Consuls, Vice-Consuls or Consular Agents, shall have the right of taking at their offices or bureaux, at the domicile of the parties concerned, or on board ship, the declarations of captains, crews, passengers, merchants or citizens of their country, and of executing there all requisite papers.

The respective Consuls-General, Consuls, Vice-Consuls or Consular Agents, shall have the right, also, to receive at their offices, or bureaux, conformably to the laws and regulations of their country, all acts of agreement executed between the citizens of their own country and citizens or inhabitants of the country in which they reside, and even all such acts between the latter, provided that these acts relate to property situated, or to business to be transacted, in the territory of the nation to which the Consul or the Agent before whom they are executed may belong.

Copies authenticated by them to be received as evidence.

Copies of such papers, duly authenticated by the Consuls General, Consuls, Vice-Consuls or Consular Agents, and sealed with the official seal of their consulate or consular agency, shall be admitted in courts of justice throughout the United States and France, in like manner as the originals.

ARTICLE VII.

Right to hold property.

In all the States of the Union, whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance or any others different from those paid by the latter, or to taxes which shall not be equally imposed.

As to the States of the Union, by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the Government of France accords to the citizens of the United States the same rights within its territory in respect to real and personal property, and to inheritance, as are enjoyed there by its own citizens.

ARTICLE VIII.

Settlement of disputes between masters and crews.

The respective Consuls-General, Consuls, Vice-Consuls or Consular Agents, shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captain, officers and crew, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not, on any pretext, interfere in these differences, but shall lend forcible aid to the Consuls, when they may ask it, to arrest and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at

the sole request of the Consuls, addressed in writing to the local authority, and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the Consuls. Their release shall be granted at the mere request of the Consuls made in writing. The expenses of the arrest and detention of those persons shall be paid by the Consuls.

ARTICLE IX.

Deserters.

The respective Consuls-General, Consuls, Vice-Consuls or Consular Agents, may arrest the officers, sailors and all other persons making part of the crews of ships of war, or merchant vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their country. To that end the Consuls of France in the United States shall apply to the magistrates designated in the act of Congress of May 4, 1826—that is to say, indiscriminately to any of the Federal, State or municipal authorities; and the Consuls of the United States in France shall apply to any of the competent authorities and make a request in writing for the deserters, supporting it by an exhibition of the registers of the vessel and list of the crew, or by other official documents, to show that the men whom they claim belonged to said crew. Upon such request alone, thus supported, and without the exaction of any oath from the Consuls, the deserters, not being citizens of the country where the demand is made, either at the time of their shipping or of their arrival in the port, shall be given up to them. All aid and protection shall be furnished them for the pursuit, seizure and arrest of the deserters, who shall even be put and kept in the prisons of the country at the request and at the expense of the Consuls until these agents may find an opportunity of sending them away. If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

ARTICLE X.

Power of Consuls relative to the vessels of their country.

The respective Consuls-General, Consuls, Vice-Consuls or Consular Agents, shall receive the declarations, protests and reports of all captains of vessels of their nation in reference to injuries experienced at sea; they shall examine and take note of the stowage; and when there are no stipulations to the contrary between the owners, freighters or insurers, they shall be charged with the repairs. If any inhabitants of the country in which the Consuls reside, or citizens of a third nation, are interested in the matter, and the parties cannot agree, the competent local authority shall decide.

ARTICLE XI.

Salvage.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of France, and of French vessels wrecked upon the coasts of the United States, shall be respectively directed by the Consuls-General, Consuls and Vice-Consuls of the United States in France, and by the Consuls-General, Consuls and Vice-Consuls of France in the United States, and until their arrival by the respective Consular Agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred,

and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise shall not be subjected to any custom-house duty if it is to be re-exported; and if it be entered for consumption, a diminution of such duty shall be allowed in conformity with the regulations of the respective countries.

ARTICLE XII.

Most favored nation. The respective Consuls-General, Consuls, Vice-Consuls or Consular Agents, as well as their consular pupils, chancellors, and secretaries, shall enjoy in the two countries all the other privileges, exemptions and immunities which may at any future time be granted to the agents of the same rank of the most favored nation.

ARTICLE XIII.

Duration of Convention. The present convention shall remain in force for the space of ten years from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of six months, or sooner if possible. In case neither party gives notice twelve months before the expiration of the said period of ten years of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In testimony whereof the respective Plenipotentiaries have signed this convention, and hereunto affixed their respective seals.

Done at the city of Washington the twenty-third day of February, anno Domini one thousand eight hundred and fifty-three.

[SEAL.] EDWARD EVERETT.
[SEAL.] SARTIGES.

1858.

CONVENTION FOR THE EXTRADITION OF CRIMINALS, BEING AN ADDITIONAL ARTICLE TO THE CONVENTIONS OF NOVEMBER 9, 1843, AND FEBRUARY 24, 1845.

Concluded February 10, 1858; *Ratifications exchanged at Washington February* 12, 1859; *Proclaimed February* 14, 1859.

Extradition. It is agreed between the high contracting parties that the provisions of the treaties for the mutual extradition of criminals between the United States of America and France, of November 9th, 1843, and February 24th, 1845, and now in force between the two Governments, shall extend not only to persons charged with the crimes therein mentioned, but also to persons charged with the following crimes, whether as principals, accessories or accomplices, namely: Forging or knowingly passing or putting in circulation counterfeit coin or bank notes or other paper current as money, with intent to defraud any person or persons; embezzlement by any person or per-

Crimes.

sons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

In witness whereof the respective Plenipotentiaries have signed the present article in triplicate, and have affixed thereto the seal of their arms.

Done at Washington the tenth of February, 1858.

[SEAL.] LEW. CASS.
[SEAL.] SARTIGES.

1869.

CONVENTION CONCERNING TRADE-MARKS.

Concluded April 16, 1869; *Ratifications exchanged at Washington July* 3, 1869; *Proclaimed July* 6, 1869.

The United States of America and His Majesty the Emperor of the French, desiring to secure in their respective territories a guarantee of property in trade-marks, have resolved to conclude a special convention for this purpose, and have named as their Plenipotentiaries: The President of the United States, Hamilton Fish, Secretary of State, and His Majesty the Emperor of the French, J. Berthemy, Commander of the Imperial Order of the Legion of Honor, &c., &c., &c., accredited as his Envoy Extraordinary and Minister Plenipotentiary to the United States; and the said Plenipotentiaries, after an examination of their respective full powers, which were found to be in good and due form, have agreed to and signed the following articles: Negotiators.

ARTICLE I.

Every reproduction in one of the two countries of trade-marks affixed in the other to certain merchandise to prove its origin and quality is forbidden, and shall give ground for an action for damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven, just as if the plaintiff were a subject or citizen of that country. Counterfeiting trade-marks.

The exclusive right to use a trade-mark for the benefit of citizens of the United States in France, or of French subjects in the territory of the United States, cannot exist for a longer period than that fixed by the law of the country for its own citizens.

If the trade-mark has become public property in the country of its origin, it shall be equally free to all in the other country.

ARTICLE II.

If the owners of trade-marks, residing in either of the two countries, wish to secure their rights in the other country, they must deposit duplicate copies of those marks in the Patent-Office at Washington, and in the clerk's office of the Tribunal of Commerce of the Seine, at Paris. Registration.

ARTICLE III.

The present arrangement shall take effect ninety days after the exchange of ratifications by the two Governments, and shall continue in force for ten years from this date.

In case neither of the two high contracting parties gives notice of its intention to discontinue this convention, twelve months before its expiration, it shall remain in force one year from the time that either of the high contracting parties announces its discontinuance.

Duration of Convention.

ARTICLE IV.

The ratifications of this present arrangement shall be exchanged at Washington, within ten months, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate, and affixed thereto the seal of their arms.

Ratifications.

Done at Washington the sixteenth day of April, in the year of our Lord one thousand eight hundred and sixty-nine.

[SEAL.] HAMILTON FISH.
[SEAL.] BERTHEMY.

1880.

CONVENTION CONCERNING SETTLEMENT OF CERTAIN CLAIMS OF THE CITIZENS OF EITHER COUNTRY AGAINST THE OTHER.

Concluded January 15, 1880; *Ratifications exchanged at Washington June* 23, 1880; *Proclaimed June* 25, 1880.

The United States of America and the French Republic, animated by the desire to settle and adjust amicably the claims made by the citizens of either country against the government of the other, growing out of acts committed by the civil or military authorities of either country as hereinafter defined, during a state of war or insurrection, under the circumstances hereinafter specified, have agreed to make arrangements for that purpose, by means of a Convention, and have named as their Plenipotentiaries to confer and agree thereupon, as follows:

The President of the United States, William Maxwell Evarts, Secretary of State of the United States, and the President of the French Republic, Georges Maxime Outrey, Envoy Extraordinary and Minister Plenipotentiary of France at Washington, Commander of the National Order of the Legion of Honor, &c., &c., &c.;

Negotiators.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

All claims on the part of corporations, companies or private individuals, citizens of the United States, upon the Government of France, arising out of acts committed against the persons or property of citizens of the United States not in the service of the enemies of France, or voluntarily giving aid and comfort to the same, by the French civil or military authorities, upon the high seas or within the territory of France, its colonies and dependencies, during the late war between France and Mexico, or during the war of 1870–'71 between France and Germany and the subsequent civil disturbances known as the "Insurrection of the Commune"; and on the other hand, all claims on the part of corporations, companies or private individuals, citizens of France, upon the Government of the United States, arising out of acts committed against the per-

Claims of United States citizens.

Claims of French citizens.

sons or property of citizens of France not in the service of the enemies of the United States, or voluntarily giving aid and comfort to the same, by the civil or military authorities of the Government of the United States, upon the high seas or within the territorial jurisdiction of the United States, during the period comprised between the thirteenth day of April, eighteen hundred and sixty-one, and the twentieth day of August, eighteen hundred and sixty-six, shall be referred to three Commissioners, one of whom shall be named by the President of the United States, and one by the French Government, and the third by His Majesty the Emperor of Brazil.

Adjudication of claims by Commissioners.

ARTICLE II.

The said Commission, thus constituted, shall be competent and obliged to examine and decide upon all claims of the aforesaid character, presented to them by the citizens of either country, except such as have been already diplomatically, judicially or otherwise by competent authorities, heretofore disposed of by either Government; but no claim or item of damage or injury based upon the emancipation or loss of slaves shall be entertained by the said Commission.

Jurisdiction of Commission.

Claims excluded.

ARTICLE III.

In case of the death, prolonged absence or incapacity to serve of one of the said Commissioners, or in the event of one Commissioner omitting, or declining, or ceasing to act as such, then the President of the United States, or the Government of France, or His Majesty the Emperor of Brazil, as the case may be, shall forthwith proceed to fill the vacancy so occasioned by naming another Commissioner within three months from the date of the occurrence of the vacancy.

How vacancies in Commission are to be filled.

ARTICLE IV.

The Commissioners named as hereinbefore provided shall meet in the city of Washington at the earliest convenient time within six months after the exchange of the ratifications of this convention, and shall, as their first act in so meeting, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to public law, justice and equity, without fear, favor or affection, all claims within the description and true meaning of Articles I. and II., which shall be laid before them on the part of the Governments of the United States and of France respectively; and such declaration shall be entered on the record of their proceedings: Provided, however, that the concurring judgment of any two Commissioners shall be adequate for every intermediate decision arising in the execution of their duty and for every final award.

Place and time of meeting of Commissioners.

Oath of office.

Two commissioners may render decisions.

ARTICLE V.

The Commissioners shall, without delay, after the organization of the Commission, proceed to examine and determine the claims specified in the preceding articles, and notice shall be given to the respective Governments of the day of their organization and readiness to proceed to the transaction of the business of the Commission.

Mode of procedure of Commissioners.

They shall investigate and decide said claims in such order and in such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of, or in answer to, any claim, and to hear, if required, one person on each side whom it shall be competent for each Government to name as its Counsel or Agent to present and support claims on its behalf, on each and every separate claim. Each Government shall furnish at the request of the Commissioners, or of any two of them, the papers in its possession which may be important to the just determination of any of the claims laid before the Commission.

Papers concerning claims to be furnished by each Government.

ARTICLE VI.

The concurring decisions of the Commissioners, or of any two of them, shall be conclusive and final. Said decisions shall in every case be given upon each individual claim, in writing, stating, in the event of a pecuniary award being made, the amount or equivalent value of the same in gold coin of the United States or of France, as the case may be; and in the event of interest being allowed on such award, the rate thereof and the period for which it is to be computed shall be fixed, which period shall not extend beyond the close of the Commission; and said decision shall be signed by the Commissioners concurring therein.

Decisions and awards.

Time of payment.

ARTICLE VII.

The High Contracting Parties hereby engage to consider the decision of the Commissioners, or of any two of them, as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objections, evasions, or delay whatever.

Decisions of Commissioners to be final.

ARTICLE VIII.

Every claim shall be presented to the Commissioners within a period of six months, reckoned from the day of their first meeting for business, after notice to the respective Governments, as prescribed in Article V of this Convention. Nevertheless, in any case where reasons for delay shall be established to the satisfaction of the Commissioners, or of any two of them, the period for presenting the claim may be extended by them to any time not exceeding three months longer.

Claims to be presented within six months.

Extension of time.

The Commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting for business as aforesaid; which period shall not be extended except only in case the proceedings of the Commission shall be interrupted by the death, incapacity, retirement or cessation of the functions of any one of the Commissioners, in which event the period of two years herein prescribed shall not be held to include the time during which such interruption may actually exist.

Commissioners to render decisions.

Exception.

It shall be competent in each case for the said Commissioners to decide whether any claim has, or has not, been duly made, preferred, and laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this Convention.

Presentation of claims.

ARTICLE IX.

All sums of money which may be awarded by the Commissioners as aforesaid, shall be paid by the one Government to the other, as the case may be, at the capital of the Government to receive such payment, within twelve months after the date of the final award, without interest, and without any deduction save as specified in Article X.

Place and time of payment of awards.

ARTICLE X.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof; and the Governments of the United States and of France may each appoint and employ a Secretary versed in the language of both countries, and the Commissioners may appoint any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Proceedings of Commissioners to be recorded.

Each Government shall pay its own Commissioner, Secretary and Agent or Counsel, and at the same or equivalent rates of compensation, as near as may be, for like officers on the one side as on the other. All other expenses, including the compensation of the third Commissioner, which latter shall be equal or equivalent to that of the other Commissioners, shall be defrayed by the two Governments in equal moieties.

Expenses.

The whole expenses of the Commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five per centum on the sums so awarded. If the whole expenses shall exceed this rate, then the excess of expense shall be defrayed jointly by the two Governments in equal moieties.

ARTICLE XI.

The High Contracting Parties agree to consider the result of the proceedings of the Commission provided by this Convention as a full, perfect and final settlement of any and every claim upon either Government within the description and true meaning of Articles I. and II.; and that every such claim, whether or not the same may have been presented to the notice of, made, preferred or laid before the said Commission, shall, from and after the conclusion of the proceedings of the said Commission, be considered and treated as finally settled, concluded and barred.

Proceedings of Commission to be considered as final settlement of all claims defined in Articles I and II.

ARTICLE XII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the French Republic, and the ratifications shall be exchanged at Washington, at as early a day as may be possible within nine months from the date hereof.

Ratifications.

In testimony whereof the respective Plenipotentiaries have signed the present convention, in the English and French languages, in duplicate, and hereunto affixed their respective seals.

Done at the city of Washington, the fifteenth day of January, in the year of our Lord one thousand eight hundred and eighty.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] MAX OUTREY.

1882.

CONVENTION FOR THE EXTENSION OF THE TERM OF THE CLAIMS COMMISSION ESTABLISHED UNDER THE CONVENTION OF JANUARY 15, 1880, TO JULY 1, 1883.

Concluded July 19, 1882; *Ratifications exchanged at Washington December* 29, 1882; *Proclaimed December* 29, 1882.

The United States of America and the French Republic, being persuaded that the labors of the Commission for the settlement of the claims of citizens of either country against the Government of the other, which was organized under the convention between the two Governments signed at Washington the fifteenth day of January, 1880, cannot be concluded within the term fixed by that convention, have deemed it expedient to conclude a supplementary convention extending the term of duration of said Commission for a further period, and have named as their respective plenipotentiaries to that end as follows:

Negotiators.

The President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States; and

The President of the French Republic, Théodore-Justin-Dominique Roustan, Envoy Extraordinary and Minister Plenipotentiary of France at Washington, Commander of the National Order of the Legion of Honor, etc., etc.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following article:

SOLE ARTICLE.

Term for examinations and decisions extended.

The term of two years fixed by the second paragraph of Article VIII. of the convention between the United States and the French Republic, concluded January 15, 1880, within which the Commissioners appointed thereunder shall be bound to examine and decide upon every claim presented to them, is hereby extended to July first, 1883.

Term for presentation of claims not extended.

Nothing in this agreement contained shall extend or alter the terms fixed in the first paragraph of said Article VIII. for the presentation of claims, but the same shall remain as therein fixed.

Exception.

If the proceedings of the Commission shall be interrupted by the death, incapacity, retirement or cessation of the functions of any one of the Commissioners, then the period for which the term of the Commission is hereby extended shall not be held to include the time during which such interruption may actually exist.

Ratifications.

The present convention shall be ratified and the ratifications exchanged at Washington at as early a day as may be practicable.

In testimony whereof the respective plenipotentiaries have signed the present convention, in the English and French languages, in duplicate, and have hereunto affixed their respective seals.

Done at the city of Washington the nineteenth day of July, in the year of our Lord one thousand eight hundred and eighty-two.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] TH. ROUSTAN.

1883.

CONVENTION FOR THE FURTHER EXTENSION OF THE TERM OF THE CLAIMS COMMISSION ESTABLISHED UNDER THE CONVENTION OF JANUARY 15, 1880, TO APRIL 1, 1884.

Concluded February 8, 1883; *Ratifications exchanged at Washington, June* 25, 1883; *Proclaimed June* 25, 1883.

The Government of the United States of America and the Government of the French Republic, being persuaded that the labors of the Commission for the settlement of the claims of citizens of either country against the Government of the other, which was organized under the convention between the two Governments signed at Washington the fifteenth day of January, 1880, and which was extended to July first, 1883, by the supplementary convention of July 19th, 1882, cannot be concluded by July 1st, 1883, have deemed it expedient to conclude another supplementary convention extending the term of duration of said Commission for a further period, and have named as their respective plenipotentiaries to that end, as follows:

The President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States, and the President of the French Republic, Théodore Justin Dominique Roustan, Envoy Extraordinary and Minister Plenipotentiary of France at Washington, Commander of the National Order of the Legion of Honor, etc., etc. Negotiators.

Who, after having communicated to each other their respective full powers found in good and due form, have agreed upon the following articles:

ARTICLE I.

The term of two years fixed by the second paragraph of Article VIII. of the convention between the United States and the French Republic, concluded January fifteenth, 1880, within which the Commissioners appointed thereunder shall be bound to examine and decide upon every claim presented to them which was extended to July 1st, 1883, by the supplementary convention of July 19th, 1882, is hereby extended to the first day of April, A. D. 1884. Time for examinations and decisions extended.

Nothing in this agreement contained shall extend or alter the terms fixed in the first paragraph of said Article VIII. for the presentation of claims, but the same shall remain as therein fixed. Term for the presentation of claims not extended.

If the proceedings of the Commission shall be interrupted by the death, or incapacity of any one of the Commissioners, then the period for which the term of the Commission is hereby extended shall not be held to include the time during which such interruption may actually exist. Exception.

ARTICLE II.

No testimony or evidence either in support of or in answer to any claim shall be presented to, or received by the Commission after the first day of July 1883. Evidence not to be received after July 1, 1883.

Ratifications. The present convention shall be ratified and the ratifications exchanged at Washington at as early a day as may be practicable.

In testimony whereof the respective Plenipotentiaries have signed the present convention in the English and French languages, in duplicate, and have hereunto affixed their respective seals.

Done at the City of Washington the eighth day of February in the year of our Lord, one thousand eight hundred and eighty-three.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] TH. ROUSTAN.

GERMAN EMPIRE.

1871.

CONVENTION RESPECTING CONSULS AND TRADE-MARKS.

Concluded December 11, 1871; *Ratifications exchanged at Berlin April* 29, 1872; *Proclaimed June* 1, 1872.

The President of the United States of America and His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire, led by the wish to define the rights, privileges, immunities and duties of the respective Consular Agents, have agreed upon the conclusion of a Consular Convention, and for that purpose have appointed their Plenipotentiaries, namely:

The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Penipotentiary from the said States, near His Majesty the Emperor of Germany; Negotiators.

His Majesty the Emperor of Germany, King of Prussia, Bernard König, His Privy Councillor of Legation; who have agreed to and signed the following articles:

ARTICLE I.

Each of the Contracting Parties agrees to receive from the other Consuls-General, Consuls, Vice-Consuls and Consular Agents in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the Contracting Parties without also applying to every other Power. Liberty to appoint Consuls.

ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls or Consular Agents shall be reciprocally received and recognized, on the presentation of their commissions, in the forms established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them free of charge, and, on the exhibition of this instrument, they shall be admitted at once, and without difficulty, by the territorial authorities, Federal, State or communal, judicial, or executive of the ports, cities and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The Government that furnishes the exequatur reserves the right to withdraw the same on a statement of the reasons for which it has thought proper to do so. Exequatur.

ARTICLE III.

Privileges of Consuls.

The respective Consuls-General, Consuls, Vice-Consuls or Consular Agents, as well as their Chancellors and Secretaries, shall enjoy in the two countries all privileges, exemptions and immunities which have been granted, or may in future be granted, to the Agents of the same rank of the most favored nation. Consular officers, not being citizens of the country where they are accredited, shall enjoy, in the country of their residence, personal immunity from arrest or imprisonment except in the case of crimes, exemption from military billetings and contributions, from military service of every sort and other public duties, and from all direct or personal or sumptuary taxes, duties and contributions, whether Federal, State or municipal. If, however, the said consular officers are or become owners of property in the country in which they reside, or engage in commerce, they shall be subject to the same taxes and imposts, and to the same jurisdiction, as citizens of the country, property-holders or merchants. But under no circumstances shall their official income be subject to any tax. Consular officers who engage in commerce shall not plead their consular privileges to avoid their commercial liabilities. Consular officers of either character shall not in any event be interfered with in the exercise of their official functions, further than is indispensable for the administration of the laws of the country.

Consuls, citizens of the State appointing them.

Engaging in commerce, not to avoid commercial liabilities.

ARTICLE IV.

Arms and flags.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may place over the outer door of their offices, or of their dwellings, the arms of their nation, with the proper inscription indicative of the office. And they may also hoist the flag of their country on the consular edifice, except in places where a legation of their country is established.

They may also hoist their flag on board any vessel employed by them in port for the discharge of their duty.

ARTICLE V.

Consular archives.

The consular archives shall be at all times inviolable, and under no pretence whatever shall the local authorities be allowed to examine or seize the papers forming part of them. When, however, a consular officer is engaged in other business, the papers relating to the consulate shall be kept in a separate enclosure.

Offices and dwellings not to be used as places of asylum.

The offices and dwellings of Consules missi who are not citizens of the country of their residence shall be at all times inviolable. The local authorities shall not, except in the case of the pursuit for crimes, under any pretext invade them. In no case shall they examine or seize the papers there deposited. In no event shall those offices or dwellings be used as places of asylum.

ARTICLE VI.

Death of Consuls.

In the event of the death, prevention or absence of Consuls-General, Consuls, Vice-Consuls and Consular Agents, their Chancellors or Secretaries, whose official character may have previously been made known to the respective authorities in Germany

or in the United States, may temporarily exercise their functions, and, while thus acting, they shall enjoy all the rights, prerogatives and immunities granted by this convention to the incumbents.

ARTICLE VII.

Power of Consuls to appoint Vice-Consuls and Consular Agents.

Consuls-General and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports and places within their consular jurisdiction. These officers may be citizens of Germany, of the United States, or any other country. They shall be furnished with a commission by the Consul who appoints them and under whose orders they are to act, or by the Government of the country which he represents. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Article III.

ARTICLE VIII.

Application by Consuls to governmental authorities.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall have the right to apply to the authorities of the respective countries, whether Federal or local, judicial or executive, within the extent of their consular district, for the redress of any infraction of the treaties and conventions existing between the two countries, or of international law; to ask information of said authorities, and to address said authorities to the end of protecting the rights and interests of their countrymen, especially in cases of the absence of the latter; in which cases such Consuls, etc., shall be presumed to be their legal representatives. If due notice should not be taken of such application, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

ARTICLE IX.

Verification and custody of certain papers.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of the two countries, or their Chancellors, shall have the right, conformably to the laws and regulations of their country:

1. To take at their office or dwelling, at the residence of the parties, or on board of vessels of their own nation, the depositions of the captains and crews, of passengers on board of them, of merchants, or of any other citizens of their own country.

2. To receive and verify unilateral acts, wills and bequests of their countrymen, and any and all acts of agreement entered upon between citizens of their own country, and between such citizens and the citizens or other inhabitants of the country where they reside; and also all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation by which the said consular officers are appointed.

Evidence in courts of law.

All such acts of agreement and other instruments, and also copies and translations thereof, when duly authenticated by such Consul-General, Consul, Vice-Consul or Consular Agent, under his official seal, shall be received by public officials, and in courts of justice as legal documents, or as authenticated copies, as the case may be, and shall have the same force and effect as if drawn up or authenticated by competent public officers of one or the other of the two countries.

ARTICLE X.

Death of citizens of one nation in the territory of the other.

In case of the death of any citizen of Germany in the United States, or of any citizen of the United States, in the German Empire, without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

The said consular officer shall have the right to appear personally or by delegate in all proceedings on behalf of the absent heirs or creditors, until they are duly represented.

Succession duties.

In all successions to inheritances, citizens of each of the contracting parties shall pay in the country of the other such duties only as they would be liable to pay, if they were citizens of the country in which the property is situated or the judicial administration of the same may be exercised.

ARTICLE XI.

Consuls to take charge of effects left by deceased sailors or passengers.

Consuls-General, Consuls, Vice-Consuls and Consular Agents of the two countries are exclusively charged with the inventorying and the safe keeping of goods and effects of every kind left by sailors or passengers on ships of their nation who die, either on board ship or on land, during the voyage or in the port of destination.

ARTICLE XII.

Powers of Consuls relative to the vessels of their country.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall be at liberty to go either in person or by proxy on board vessels of their nation admitted to entry and to examine the officers and crews, to examine the ships' papers, to receive declarations concerning their voyage, their destination, and the incidents of the voyage; also to draw up manifests and lists of freight, to facilitate the entry and clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country, to assist them as their interpreters or agents.

Examination of vessels of merchant vessels.

The judicial authorities and custom house officials shall in no case proceed to the examination or search of merchant-vessels without having given previous notice to the consular officers of the nation to which the said vessels belong, in order to enable the said consular officers to be present.

They shall also give due notice to the said consular officers, in order to enable them to be present at any depositions or statements to be made in courts of law or before local magistrates, by officers or persons belonging to the crew, thus to prevent errors or false interpretations, which might impede the correct administration of justice. The notice to Consuls, Vice Consuls or Consular Agents shall name the hour fixed for such proceedings. Upon the non appearance of the said officers or their representatives, the case may be proceeded with in their absence.

ARTICLE XIII.

Settlement of disputes between masters and crews.

Consuls-General, Consuls, Vice Consuls or Consular Agents shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall have the exclusive power to take cognizance of and to determine differences of every kind which may arise, either at sea or in port, between the captains,

officers and crews, and specially in reference to wages and the execution of mutual contracts. Neither any court or authority shall, on any pretext, interfere in these differences, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port, or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance.

Except as aforesaid, the local authorities shall confine themselves to the rendering of efficient aid to the Consuls, when they may ask it, in order to arrest and hold all persons, whose names are borne on the ship's articles, and whom they may deem it necessary to detain. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authorities and supported by an official extract from the register of the ship or the list of the crew, and shall be held during the whole time of their stay in the port at the disposal of the Consuls. Their release shall be granted only at the request of the Consuls, made in writing.

Consuls to be aided by local authorities.

The expenses of the arrest and detention of those persons shall be paid by the Consuls.

Expenses of arrest.

ARTICLE XIV.

Consuls-General, Consuls, Vice-Consuls or Consular Agents may arrest the officers, sailors and all other persons making part of the crews of ships of war or merchant-vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country.

Deserters.

To that end, the Consuls of Germany in the United States shall apply to either the Federal, State or municipal courts or authorities, and the Consuls of the United States in Germany shall apply to any of the competent authorities, and make a request in writing for the deserters, supporting it by an official extract of the register of the vessel and the list of the crew, or by other official documents, to show that the men whom they claim belong to said crew. Upon such request alone thus supported, and without the exaction of any oath from the Consuls, the deserters (not being citizens of the country where the demand is made either at the time of their shipping or of their arrival in the port) shall be given up to the Consuls. All aid and protection shall be furnished them for the pursuit, seizure and arrest of the deserters, who shall be taken to the prisons of the country and there detained at the request and at the expense of the Consuls, until the said Consuls may find an opportunity of sending them away.

If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

ARTICLE XV.

In the absence of an agreement to the contrary between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls and Consular Agents of the respective countries. If, however, any inhabitant of the country, or citizen or subject of a third Power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

Settlement of damages at sea suffered by vessels of their nation.

ARTICLE XVI.

Shipwreck.

In the event of a vessel belonging to the Government or owned by a citizen of one of the two contracting parties being wrecked, or cast on shore, on the coast of the other, the local authorities shall inform the Consul-General, Consul, Vice-Consul or Consular Agent of the district of the occurrence, or if there be no such consular agency, they shall inform the Consul General, Consul, Vice Consul or Consular Agent of the nearest district.

Salvage.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in the territorial waters of the German Empire shall take place in accordance with the laws of Germany; and, reciprocally, all measures of salvage relative to German vessels wrecked or cast on shore in the territorial waters of the United States shall take place in accordance with the laws of the United States.

The consular authorities have in both countries to intervene only to superintend the proceedings having reference to the repair and revictualling, or, if necessary, to the sale of the vessel wrecked or cast on shore.

For the intervention of the local authorities, no charges shall be made, except such as in similar cases are paid by vessels of the nation.

In case of a doubt concerning the nationality of a shipwrecked vessel, the local authorities shall have exclusively the direction of the proceedings provided for in this article.

Goods on board to be free of duty.

All merchandise and goods not destined for consumption in the country where the wreck takes place shall be free of all duties.

ARTICLE XVII.

Trade-marks.

With regard to the marks or labels of goods, or of their packages, and also with regard to patterns and marks of manufacture and trade, the citizens of Germany shall enjoy in the United States of America, and American citizens shall enjoy in Germany, the same protection as native citizens.

ARTICLE XVIII.

Duration of Convention.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be exchanged at Berlin within the period of six months.

Ratifications.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on, from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Berlin, the eleventh of December, 1871.

[SEAL.] GEO. BANCROFT.
[SEAL.] B. KÖENIG.

PROTOCOL.

The undersigned met this day, in order to effect the exchange of the ratifications of the Consular Convention, signed on the eleventh day of December, 1871, between the United States of America and Germany.

Before proceeding to this act, the undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, declared:

1. That, in accordance with the instruction given him by his Government, with the advice and consent of the Senate, the expression "property," used in the English text of Articles III and IX, is to be construed as meaning and intending "real estate." Real estate.

2. That, according to the laws and the Constitution of the United States, Article X applies, not only to persons of the male sex, but also to persons of the female sex. Article X to apply to both sexes.

After the undersigned, President of the office of the Chancellor of the Empire, had expressed his concurrence with this declaration, the acts of ratification, found to be in good and due form, were exchanged, and the present Protocol was in duplicate executed.

Berlin, the twenty-ninth April, 1872.

GEO. BANCROFT.
DELBRUECK.

GREAT BRITAIN.

1782.*

PROVISIONAL ARTICLES AGREED UPON, BY AND BETWEEN RICHARD OSWALD, ESQUIRE, THE COMMISSIONER OF HIS BRITANNIC MAJESTY, FOR TREATING OF PEACE WITH THE COMMISSIONERS OF THE UNITED STATES OF AMERICA, IN BEHALF OF HIS SAID MAJESTY ON THE ONE PART, AND JOHN ADAMS, BENJAMIN FRANKLIN, JOHN JAY, AND HENRY LAURENS, FOUR OF THE COMMISSIONERS OF THE SAID STATES FOR TREATING OF PEACE WITH THE COMMISSIONER OF HIS SAID MAJESTY, ON THEIR BEHALF, ON THE OTHER PART. TO BE INSERTED IN, AND TO CONSTITUTE THE TREATY OF PEACE PROPOSED TO BE CONCLUDED BETWEEN THE CROWN OF GREAT BRITAIN AND THE SAID UNITED STATES; BUT WHICH TREATY IS NOT TO BE CONCLUDED UNTIL TERMS OF A PEACE SHALL BE AGREED UPON BETWEEN GREAT BRITAIN AND FRANCE, AND HIS BRITANNIC MAJESTY SHALL BE READY TO CONCLUDE SUCH TREATY ACCORDINGLY.

Concluded November 30, 1782. *Proclamation ordered by the Continental Congress April* 11, 1783.

Equity and reciprocity to form basis of treaty.

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States, it is agreed to form the articles of the proposed treaty on such principles of liberal equity and reciprocity, as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established as to promise and secure to both perpetual peace and harmony.

ARTICLE I.

Independence of the United States acknowledged.

His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachuset's Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the Gouvernment, propriety and territorial rights of the same and every part thereof; and that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries, viz:

ARTICLE II.

Boundaries.

From the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of St. Croix River to the Highlands; along the Highlands which divide those rivers that empty themselves into the river St. Lawrence,

* See Notes: "Abrogated, suspended or obsolete treaties."

from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river to the 45th degree of north latitude; from thence, by a line due west on said latitude untill it strikes the river Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake untill it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake untill it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Phelippeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi untill it shall intersect the northernmost part of the 31st degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence strait to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean, from those which fall into the river St. Laurence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

Article III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island;) and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground. Fisheries.

Article IV.

Recovery of debts.

It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted.

Article V.

Restitution of confiscated estates.

It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of His Majesty's arms, and who have not borne arms against the said United States: And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated: And that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail: And that Congress shall also earnestly recommend to the several States that the estates, rights and properties of such last-mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the *bona fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights and properties since the confiscation. And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Article VI.

No further confiscations or prosecutions.

That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for or by reason of the part which he or they may have taken in the present war, and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

Article VII.

British armies to be withdrawn.

There shall be a firm and perpetual peace between His Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall then immediately cease: All prisoners, on both sides, shall be set at liberty; and His Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every port, place and harbour within the same, leaving in all fortifications the American artillery that may be therein; and

shall also order and cause all archives, records, deeds and papers belonging to any of the said States or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

ARTICLE VIII.

The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States. Navigation of the Mississippi.

ARTICLE IX.

In case it should so happen that any place or territory belonging to Great Britain or to the United States should be conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed that the same shall be restored without difficulty and without requiring any compensation. Restoration of territory.

Done at Paris the thirtieth day of November, in the year one thousand seven hundred and eighty-two.

[SEAL.]	RICHARD OSWALD.
[SEAL.]	JOHN ADAMS.
[SEAL.]	B. FRANKLIN.
[SEAL.]	JOHN JAY.
[SEAL.]	HENRY LAURENS.

Witness: CALEB WHITEFOORD,
Sec'y to the British Commission.
W. T. FRANKLIN,
Sec'y to the American Commission.

SEPARATE ARTICLE.

It is hereby understood and agreed that in case Great Britain, at the conclusion of the present war, shall recover, or be put in possession of West Florida, the line of north boundary between the said province and the United States shall be a line drawn from the mouth of the river Yassous, where it unites with the Mississippi, due east, to the river Apalachicola. West Florida.

Done at Paris the thirtieth day of November, in the year one thousand seven hundred and eighty-two.

[SEAL.]	RICHARD OSWALD.
[SEAL.]	JOHN ADAMS.
[SEAL.]	B. FRANKLIN.
[SEAL.]	JOHN JAY.
[SEAL.]	HENRY LAURENS.

Attest: CALEB WHITEFOORD,
Sec'y to the British Commission.
W. T. FRANKLIN,
Sec'y to the American Commission.

1783.

ARMISTICE DECLARING A CESSATION OF HOSTILITIES.

Concluded January 20, 1783.

We, the undersigned Ministers Plenipotentiary of the United States of North America, having received from Mr. Fitz Herbert, Minister Plenipotentiary of his Britannic Majesty, a declaration relative to a suspension of arms to be established between his said Majesty and the said States, the tenor whereof is as follows:

"Whereas the preliminary articles agreed upon and signed this day, between his Majesty the King of Great Britain and his Majesty the Most Christian King on the one part, and likewise between his said Britannic Majesty and his Catholic Majesty on the other part, contain the stipulation of a cessation of hostilities between those three Powers, which is to take place after the exchange of the ratifications of the said preliminary articles: And whereas, by the provisional treaty signed on the thirtieth day of November last, between His Britannic Majesty and the United States of North America, it hath been stipulated that that treaty should take effect as soon as peace should be established between the said Crowns: The undersigned Minister Plenipotentiary of His Britannic Majesty does declare, in the name and by the express order of the King, his master, that the said United States of North America, their subjects, and their possessions, shall be comprehended in the above-mentioned suspension of arms, and that in consequence they shall enjoy the benefit of the cessation of hostilities at the same epochs and in the same manner as the three Crowns above mentioned, their subjects, and their respective possessions; the whole upon condition that on the part and in the name of the said United States of North America, a similar declaration shall be delivered, expressly declaring their assent to the present suspension of arms, and contain'g the assurance of the most perfect reciprocity on their part.

"In faith whereof we, the Minister Plenipotentiary of His Britannic Majesty, have signed the present declaration, and have caused the seal of our arms to be thereto affixed.

"VERSAILLES, *Jan'y* 20, 1783.

(Signed) "ALLEYNE FITZ HERBERT. [SEAL.]

Have, in the name of the said United States of North America, and by virtue of the powers with which they have vested us, accepted the above declaration, do by these presents merely and simply accept it, and do reciprocally declare that the said States shall cause all hostilities to cease against his Britannic Majesty, his subjects, and his possessions, at the terms and epochs agreed upon between his said Majesty the King of Great Britain, His Majesty the King of France, and His Majesty the King of Spain, so, and in the same manner, as has been agreed between those three Crowns, and to produce the same effects.

In faith whereof we, the Ministers Plenipotentiary of the United States, North America, have signed the present declaration, and have affixed thereto the seal of our arms.

VERSAILLES, *January* 20, 1783.

[SEAL.] JOHN ADAMS.
[SEAL.] B. FRANKLIN.

Copy of the first and twenty-second of the preliminary articles, between France and Great Britain, signed at Versailles the 20th January, 1783.

ARTICLE I.

As soon as the preliminaries shall be signed and ratified, sincere friendship shall be re-established between His Most Christian Majesty and His Britannic Majesty, their kingdoms, states, and subjects, by sea and by land, in all parts of the world; orders shall be sent to the armies and squadrons, as well as to the subjects of the two Powers, to cease all hostilities and to live in the most perfect union, forgetting the past, according to the order and example of their sovereigns; and for the execution of this article sea-passes shall be given on each side to the ships which shall be dispatched to carry the news to the possessions of the said Powers. Orders to cease hostilities.

ARTICLE XXII.

To prevent all the causes of complaint and dispute which might arise on account of the prizes which may be taken at sea after the signing of these preliminary articles, it is reciprocally agreed that the vessels and effects which may be taken in the Channel and in the North Seas, after the space of twelve days, to be computed from the ratification of the present preliminary articles, shall be restored on each side. That the term shall be of one month from the Channel and the North Seas to the Canary Islands inclusively, whether in the ocean or in the Mediterranean; of two months from the said Canary Islands to the equinoxial line or equator; and lastly, of five months in all other parts of the world without any exception, nor other more particular distinction of times and places. Prizes taken after signing of Articles.

1783.*

DEFINITIVE TREATY OF PEACE.

Concluded September 3, 1783; *Ratified by the Continental Congress January* 14, 1784; *Proclaimed January* 14, 1784.

In the name of the Most Holy and Undivided Trinity.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince George the Third, by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick and Luneburg, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &c., and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony: And having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris, on the 30th of Nov'r, 1782, Declaration of amity.

* See Notes: "Abrogated, suspended or obsolete treaties."

by the commissioners empowered on each part, which articles were agreed to be inserted in and to constitute the treaty of peace proposed to be concluded between the Crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and His Britannic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, His Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say, His Britannic Majesty on his part, David Hartley, esqr., member of the Parliament of Great Britain; and the said United States on their part, John Adams, esqr., late a commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts, and chief justice of the said State, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, esq're, late Delegate in Congress from the State of Pennsylvania, president of the convention of the said State, and Minister Plenipotentiary from the United States of America at the Court of Versailles; John Jay, esq're, late president of Congress, and chief justice of the State of New York, and Minister Plenipotentiary from the said United States at the Court of Madrid, to be the Plenipotentiaries for the concluding and signing the present definitive treaty; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles:

Negotiators.

Article I.

His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the Government, propriety and territorial rights of the same, and every part thereof.

Independence of United States acknowledged.

Article II.

And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz: From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint Croix River to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence

Boundaries.

along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the Isles Royal and Phelipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence strait to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulph of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlements, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground. Fisheries.

ARTICLE IV.

It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted. Recovery of debts

ARTICLE V.

It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States, to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights Restitution of confiscated estates.

and properties of persons resident in districts in the possession of His Majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated; and that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several States, that the estates, rights and properties of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Article VI.

No further confiscations or prosecutions.

That there shall be no future confiscations made, nor any prosecutions commenc'd against any person or persons for, or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

Article VII.

British armies to be withdrawn.

There shall be a firm and perpetual peace between His Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall from henceforth cease: All prisoners on both sides shall be set at liberty, and His Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbour within the same; leaving in all fortifications the American artillery that may be therein: And shall also order and cause all archives, records, deeds and papers, belonging to any of the said States, or their citizens, which, in the course of the war, may have fallen into the hands of his officers, to be forthwith restored and deliver'd to the proper States and persons to whom they belong.

Article VIII.

Navigation of the Mississippi.

The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain, and the citizens of the United States.

ARTICLE IX.

In case it should so happen that any place or territory belonging to Great Britain or to the United States, should have been conquer'd by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation. Restoration of territory.

ARTICLE X.

The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we the undersigned, their Ministers Plenipotentiary, have in their name and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affix'd thereto. Ratifications.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

[SEAL.] D. HARTLEY.
[SEAL.] JOHN ADAMS.
[SEAL.] B. FRANKLIN.
[SEAL.] JOHN JAY.

1794.*

TREATY OF AMITY, COMMERCE AND NAVIGATION.

Concluded November 19, 1794; *Ratification exchanged at London October* 28, 1795; *Proclaimed February* 29, 1796.

His Britannic Majesty and the United States of America, being desirous, by a treaty of amity, commerce and navigation, to terminate their differences in such a manner, as, without reference to the merits of their respective complaints and pretentions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their Plenipotentiaries, and given them full powers to treat of, and conclude the said treaty, that is to say:

His Britannic Majesty has named for his Plenipotentiary, the Right Honorable William Wyndham Baron Grenville of Wotton, one of His Majesty's Privy Council, and His Majesty's Principal Secretary of State for Foreign Affairs; and the President of the said United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiary, the Honorable John Negotiators.

* See Notes: "Abrogated, suspended or obsolete treaties."

Jay, Chief Justice of the said United States, and their Envoy Extraordinary to His Majesty;

Who have agreed on and concluded the following articles:

Article I.

Declaration of amity.

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between His Britannic Majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns and people of every degree, without exception of persons or places.

Article II.

Withdrawal of British forces.

His Majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety-six, and all the proper measures shall in the interval be taken by concert between the Government of the United States and His Majesty's Governor-General in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts: The United States in the mean time, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders, within the precincts or jurisdiction of the said posts, shall continue to enjoy, unmolested, all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses or effects, or to retain the property thereof, at their discretion; such of them as shall continue to reside within the said boundary lines, shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the Government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of His Britannic Majesty, shall be considered as having elected to become citizens of the United States.

Privileges allowed to settlers and traders.

To declare their choice of citizenship.

Article III.

Freedom of commerce and navigation.

It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other. But it is understood that this article does not extend to the admission of vessels of the United States into the sea-ports, harbours, bays or creeks of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories as

Exceptions.

are between the mouth thereof, and the highest port of entry from the sea, except in small vessels trading *bona fide* between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of His Majesty in Great Britain.

All goods and merchandize whose importation into His Majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandize shall be subject to no higher or other duties than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories. And in like manner all goods and merchandize whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by His Majesty's subjects, and such goods and merchandize shall be subject to no higher or other duties than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said States. And all goods not prohibited to be exported from the said territories respectively, may in like manner be carried out of the same by the two parties respectively, paying duty as aforesaid.

No discriminating duties on account of nationality.

No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying-places on either side, for the purpose of being immediately re-embarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same, and proper regulations may be established to prevent the possibility of any frauds in this respect.

No discriminating duties on tolls, ferriage and goods in transit.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

ARTICLE IV.

Survey of the Mississippi.

Whereas it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace between His Majesty and the United States: it is agreed that measures shall be taken in concert between His Majesty's Government in America and the Government of the United States, for making a joint survey of the said river from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is above mentioned, the two parties will thereupon proceed, by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

ARTICLE V.

Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described; that question shall be referred to the final decision of commissioners to be appointed in the following manner, viz:

Appointment of Commissioners to decide what river is the river St. Croix.

One commissioner shall be named by His Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two commissioners shall agree on the choice of a third; or if they cannot so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original Commissioners. And the three Commissioners so appointed shall be sworn, impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British Government and of the United States. The said Commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a Secretary, and to employ such surveyors or other persons as they shall judge necessary. The said Commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration and of the statements of their accounts, and of the journal of their proceedings, shall be delivered by them to the agent of His Majesty, and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective Governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

Decision of Commissioners to be final.

ARTICLE VI.

Indemnification by United States to British subjects.

Whereas it is alleged by divers British merchants and others His Majesty's subjects, that debts, to a considerable amount, which were bona fide contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments

since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that, by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained: It is agreed, that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had and received by the said creditors in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors: But it is distinctly understood, that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors or other causes as would equally have operated to produce such loss, if the said impediments had not existed; nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

Cases to which such indemnification shall not extend.

For the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed and authorized to meet and act in manner following, viz: Two of them shall be appointed by His Majesty, two of them by the President of the United States by and with the advice and consent of the Senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the Commissioners named by the two parties shall respectively propose one person, and of the two names so proposed, one shall be drawn by lot, in the presence of the four original Commissioners. When the five Commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath, or affirmation, in the presence of each other; which oath, or affirmation, being so taken and duly attested, shall be entered on the record of their proceedings, viz: I, A. B., one of the Commissioners appointed in pursuance of the sixth article of the Treaty of Amity, Commerce and Navigation, between His Britannic Majesty and the United States of America, do solemnly swear (or affirm) that I will honestly, diligently, impartially and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints, as under the said article shall be preferred to the said Commissioners: and that I will forbear to act as a Commissioner, in any case in which I may be personally interested.

Claims to be adjudicated by a Board of Commissioners.

Three of the said Commissioners shall constitute a board, and shall have power to do any act appertaining to the said Commission, provided that one of the Commissioners named on each side, and the fifth Commissioner shall be present, and all decisions shall be made by the majority of the voices of the Commissioners then present. Eighteen months from the day on which the said Commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorized, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months for any term not exceeding six months, after the expiration thereof. The said Commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place as they shall see cause.

Their power and duty.

The said Commissioners in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the

true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said Commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof; every such deposition, book, or paper, or copy, or extract, being duly authenticated, either according to the legal form now respectively existing in the two countries, or in such other manner as the said Commissioners shall see cause to require or allow.

Class of claims to be considered.

The award of the said Commissioners, or of any three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant; and the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times and at such place or places, as shall be awarded by the said Commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said Commissioners may be directed: Provided always, that no such payment shall be fixed by the said Commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this treaty.

Awards of Commissioners to be final.

ARTICLE VII.

Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which His Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from His Majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had, and received by the ordinary course of judicial proceedings; it is agreed, that in all such cases, where adequate compensation cannot, for whatever reason, be now actually obtained, had, and received by the said merchants and others, in the ordinary course of justice, full and complete compensation for the same will be made by the British Government to the said complainants. But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

Indemnification by Great Britain to American creditors.

Cases to which such indemnification shall not extend.

That for the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed and authorized to act in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation, (mutatis mutandis,) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question accord-

Claims to be adjudicated by a Board of Commissioners.

ing to the merits of the several cases, and to justice, equity and the laws of nations. The award of the said Commissioners, or any such three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and His Britannic Majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said Commissioners, and on condition of such releases or assignments to be given by the claimant, as by the said Commissioners may be directed.

Awards by Commissioners to be final.

And whereas certain merchants and others, His Majesty's subjects, complain that, in the course of the war, they have sustained loss and damage by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the States and brought into the ports of the same, or taken by vessels originally armed in ports of the said States:

It is agreed that in all such cases where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, Sept. 5, 1793, a copy of which is annexed to this treaty; the complaints of the parties shall be and hereby are referred to the Commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said Commissioners, and at the times and places which in such awards shall be specified; and on condition of such releases or assignments to be given by the claimants as in the said awards may be directed: And it is further agreed, that not only the now-existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent and meaning of this article.

Letter from Thos. Jefferson to Mr. Hammond.

Complaints of British subjects to be referred to Commissioners.

ARTICLE VIII.

It is further agreed that the Commissioners mentioned in this and in the two preceding articles shall be respectively paid in such manner as shall be agreed between the two parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said Commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the Commissioners. And in the case of death, sickness or necessary absence, the place of every such Commissioner respectively shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioners shall take the same oath or affirmation and do the same duties.

Expenses.

How vacancies are to be filled.

ARTICLE IX.

It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell or devise the same to whom they

No discrimination in land tenures.

please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

ARTICLE X.

Private debts and moneys not to be estrained or confiscated in time of war.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies, which they may have in the public funds, or in the public or private banks, shall ever in any event of war or national differences be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective Governments, should ever be destroyed or impaired by national authority on account of national differences and discontents.

ARTICLE XI.

It is agreed between His Majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations, and on the conditions specified in the following articles.

ARTICLE XII.*

West-India trade regulated.

His Majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States to carry to any of His Majesty's islands and ports in the West Indies from the United States, in their own vessels, not being above the burthen of seventy tons, any goods or merchandizes, being of the growth, manufacture or produce of the said States, which it is or may be lawful to carry to the said islands or ports from the said States in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage duties or charges than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges than shall be payable on the like articles if imported there from the said States in British vessels.

No discrimination in tonnage duties.

No discrimination in duties on exports.

And His Majesty also consents that it shall be lawful for the said American citizens to purchase, load and carry away in their said vessels to the United States, from the said islands and ports, all such articles, being of the growth, manufacture or produce of the said islands, as may now by law be carried from thence to the said States in British vessels, and subject only to the same duties and charges on exportation, to which British vessels and their cargoes are or shall be subject in similar circumstances.

Provided always, that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared that, during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa or cotton in American vessels, either from His Majesty's islands or from the United States to any part of the world except the United States, reasonable sea-stores excepted. Provided, also, that it shall and may be lawful, during the same period, for British vessels to import from the said islands into the United States, and to export from the United States

* Suspended by the Additional Article being an amendment by the Senate. See page 395.

to the said islands, all articles whatever, being of the growth, produce or manufacture of the said islands, or of the United States respectively, which now may, by the laws of the said States, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties or charges, than shall be payable on the same articles if so imported or exported in American vessels.

It is agreed that this article, and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which His Majesty is now engaged; and also for two years from and after the date of the signature of the preliminary or other articles of peace, by which the same may be terminated. Duration of provisions of this article, etc.

And it is further agreed that, at the expiration of the said term, the two contracting parties will endeavour further to regulate their commerce in this respect, according to the situation in which His Majesty may then find himself with respect to the West Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavour to agree, whether in any and what cases, neutral vessels shall protect enemy's property; and in what cases provisions and other articles, not generally contraband, may become such. But in the mean time, their conduct towards each other in these respects shall be regulated by the articles hereinafter inserted on those subjects.

Article XIII.

His Majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted and hospitably received in all the sea-ports and harbors of the British territories in the East Indies. And that the citizens of the said United States may freely carry on a trade between the said territories and the said United States, in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British Government and any other Power or State whatever, to export from the said territories, without the special permission of the British Government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels when admitted into the said ports no other or higher tonnage duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen and such regulations shall be adopted by both parties as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to

East-India trade regulated.

Provisions in time of war.

No discrimination in tonnage duties.

Discrimination as to ports into which such goods may be carried.

Discrimination as to coasting trade.

be construed to allow the citizens of the said States to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British Government established there; and if any transgression should be attempted against the regulations of the British Government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbour in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government and jurisdiction of what nature established in such harbor, port or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British Government may from time to time establish there.

ARTICLE XIV.

Freedom of commerce and navigation.

There shall be between all the dominions of His Majesty in Europe and the territories of the United States a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries, respectively, shall have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places and rivers within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and warehouses for the purposes of their commerce, and generally the merchants and traders on each side shall enjoy the most complete protection and security for their commerce; but subject always as to what respects this article to the laws and statutes of the two countries respectively.

ARTICLE XV.

No discrimination in duties on vessels, imports and exports.

It is agreed that no other or higher duties shall be paid by the ships or merchandize of the one party in the ports of the other than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles the growth, produce or manufacture of the other, than are or shall be payable on the importation of the like articles being of the growth, produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

But the British Government reserves to itself the right of imposing on

Equalization of tonnage duties.

American vessels entering into the British ports in Europe a tonnage duty equal to that which shall be payable by British vessels in the ports of America; and also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time with

Agreement to treat for equalization of duties.

those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval it is agreed that the United States will not impose any new

or additional tonnage duties on British vessels, nor increase the now-subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

Article XVI.

It shall be free for the two contracting parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said Consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any Consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper that, in case of illegal or improper conduct towards the laws or Government, a Consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended Government assigning to the other their reasons for the same.

Consuls.

Either of the parties may except from the residence of Consuls such particular places as such party shall judge proper to be so excepted.

Article XVII.

It is agreed that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessels shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed that all proper measures shall be taken to prevent delay in deciding the cases of ships or cargoes so brought in for adjudication, and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships.

Captures or detentions of neutral vessels.

Article XVIII.

In order to regulate what is in future to be esteemed contraband of war, it is agreed that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket-rests, bandoliers, gun-powder, match, saltpetre, ball, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horse-furniture, holsters, belts, and generally all other implements of war, as also timber for ship-building, tar or rozin, copper in sheets, sails, hemp, and cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation whenever they are attempted to be carried to an enemy.

Contraband goods.

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise: It is further agreed that whenever any such articles so becoming contraband, according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the own-

Cases in which articles not generally contraband are to be considered as such.

ers thereof shall be speedily and completely indemnified; and the captors, or, in their default, the Government under whose authority they act, shall pay to the masters or owners of such vessels the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

Blockaded ports.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place; but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after notice she shall again attempt to enter, but she shall be permitted to go to any other port or place she may think proper; nor shall any vessel or goods of either party that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

ARTICLE XIX.

Protection of officers, passengers and crew on neutral vessels.

And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men-of-war, or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling, or, if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during their cruise contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions the said commissions shall be revoked and annulled.

Authenticated copies to be given of all proceedings in prize causes.

It is also agreed that whenever a judge of a court of admiralty of either of the parties shall pronounce sentence against any vessel or goods or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

ARTICLE XX.

Pirates.

It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens or towns, or permit any of their inhabitants to receive, protect, harbor, conceal or assist them in any manner, but will

bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandizes taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them (proper evidence being first given in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.

Article XXI.

Subjects or citizens of one party shall not accept commission from a foreign State at war with the other.

It is likewise agreed that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign Prince or State, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively shall accept any foreign commission or letters of marque for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen having such commission or letters of marque as a pirate.

Article XXII.

Reprisals.

It is expressly stipulated that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

Article XXIII.

Ships of war.

The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and Government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And His Majesty consents that in case an American vessel should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of His Majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the Government of the place, be hospitably received, and be permitted to refit and to purchase at the market price such necessaries as she may stand in need of, conformably to such orders and regulations as the Government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same should be bona fide necessary to her being refitted. Nor shall be permitted to

American vessels may enter British ports under certain circumstances.

sell any part of her cargo, unless so much only as may be necessary to defray her expences, and then not without the express permission of the Government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

Article XXIV.

Foreign privateers.

It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other Prince or State in enmity with either nation to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Prince or State from whom they obtained their commissions.

Article XXV.

Ships of war may enter with their prizes the ports of either country.

It shall be lawful for the ships of war and privateers belonging to the said parties respectively to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at and enter the ports of the said parties, be detained or seized, neither shall the searchers or other officers of those places visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or States. But the two parties agree that while they continue in amity neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Exceptions.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon shot of the coast, nor in any of the bays, ports or rivers of their territories, by ships of war or others having commission from any Prince, Republic or State whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated shall use his utmost endeavors to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

Article XXVI.

Treatment of the subjects and citizens of one nation in the dominions of the other in time of war.

If at any time a rupture should take place (which God forbid) between His Majesty and the United States, the merchants and others of each of the two nations residing in the dominions of the other shall have the privilege of remaining and continuing their trade, so long as they behave peaceably and commit no offence against the laws; and in case their conduct should render

them suspected, and the respective Governments should think proper to order them to remove, the term of twelve months from the publication of the order shall be allowed them for that purpose, to remove with their families, effects and property, but this favor shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared that such rupture shall not be deemed to exist while negociations for accommodating differences shall be depending, nor until the respective Ambassadors or Ministers, if such there shall be, shall be recalled or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which both parties retain their rights, either to request the recall, or immediately to send home the Ambassador or Minister of the other, and that without prejudice to their mutual friendship and good understanding.

ARTICLE XXVII.

It is further agreed that His Majesty and the United States, on mutual requisitions, by them respectively, or by their respective Ministers or officers authorized to make the same, will deliver up to justice all persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expence of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive. Extradition.

ARTICLE XXVIII.

It is agreed that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition, That whereas the said twelfth article will expire by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace, which shall terminate the present war in which His Majesty is engaged, it is agreed that proper measures shall by concert be taken for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term as that new arrangements on that head may by that time be perfected and ready to take place. But if it should unfortunately happen that His Majesty and the United States should not be able to agree on such new arrangements, in that case all the articles of this treaty, except the first ten, shall then cease and expire together. Limitation of Article XII.

Lastly. This treaty, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on His Majesty and on the said States, and shall be by them respectively executed and observed with punctuality and the most sincere regard to good faith; and whereas it will be expedient, in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want Ratifications.

of time and other circumstances, cannot now be perfected, it is agreed that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them as that they may conduce to mutual convenience and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to and make a part of this treaty. In faith whereof we, the undersigned Ministers Plenipotentiary of His Majesty the King of Great Britain and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

Done at London this nineteenth day of November, one thousand seven hundred and ninety-four.

[SEAL.] GRENVILLE.
[SEAL.] JOHN JAY.

Letter from Thomas Jefferson to George Hammond.

PHILADELPHIA, *September* 5, 1793.

SIR: I am honored with yours of August 30. Mine of the 7th of that month assured you that measures were taken for excluding from all further asylum in our ports vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes the Lovely Lass, Prince William Henry, and the Jane of Dublin; and that should the measures for restitution fail in their effect, the President considered it as incumbent on the United States to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports, or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with Great Britain, it was the opinion of the President that we should use towards that nation the same rule which, under this article, was to govern us with the other nations; and even to extend it to captures made on the high seas and brought into our ports, if done by vessels which had been armed within them.

Having, for particular reasons, forbore to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June, and before the date of that letter, yet when the same forbearance had taken place, it was and is his opinion, that compensation would be equally due.

As to prizes made under the same circumstances, and brought in after the date of that letter, the President determined that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other Powers in the analogous case, he did not mean to give an opinion that it ought to be done to Great Britain. But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the United States.

Instructions are given to the Governors of the different States to use all the means in their power for restoring prizes of this last description found within their ports. Though they will, of course, take measures to be informed of them, and the General Government has given them the aid of the custom-house officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information as far as shall depend on yourself, or any person under your direction, in order that the Governors may use the means in their power for making restitution.

Without knowledge of the capture they cannot restore it. It will always be best to give the notice to them directly; but any information which you shall be pleased to send to me, also, at any time, shall be forwarded to them as quickly as distance will permit.

Hence you will perceive, sir, that the President contemplates restitution or compensation in the case before the 7th of August; and after that date, restitution if it can be effected by any means in our power. And that it will be important that you should substantiate the fact that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports is, I believe, correct.

With respect to losses by detention, waste, spoliation sustained by vessels taken as before mentioned, between the dates of June 5th and August 7th, it is proposed as a provisional measure that the Collector of the Customs of the district, and the British Consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo at the time of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly to the Collector of the Customs where the respective vessels are.

I have the honor to be, &c.,

TH: JEFFERSON.

GEO: HAMMOND, Esq.

ADDITIONAL ARTICLE.*

It is further agreed, between the said contracting parties, that the operation of so much of the twelfth article of the said treaty as respects the trade which his said Majesty thereby consents may be carried on between the United States and his islands in the West Indies, in the manner and on the terms and conditions therein specified, shall be suspended.

Twelfth article suspended.

1796.†

EXPLANATORY ARTICLE TO THE THIRD ARTICLE OF THE TREATY OF NOVEMBER 19, 1794, RESPECTING THE LIBERTY TO PASS AND REPASS THE BORDERS AND TO CARRY ON TRADE AND COMMERCE.

Concluded May 4, 1796; *Ratification advised by Senate May* 9, 1796.

Whereas by the third article of the treaty of amity, commerce and navigation, concluded at London on the nineteenth day of November, one thousand seven hundred and ninety-four, between His Britannic Majesty and the United States of America, it was agreed that it should at all times be free to His Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, assigned by the treaty of peace to the United States, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two contracting parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article: And whereas by the eighth article of the treaty of peace and friendship concluded at Greenville on the third day of August, one thousand seven hundred and ninety-five, between the United States and the nations or tribes of Indians called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimies, Miamis, Eel River, Weeas, Kickapoos, Piankashaws, and Kaskaskias, it was stipulated that no person should be permitted to reside at any of the towns or the hunting camps of the said Indian tribes, as a trader, who is not furnished with a licence for that purpose under the authority of the United States: Which latter stipulation has excited doubts, whether in its operation it may not interfere with the due execution of the said

Indians.

* Amendment of the Senate by its resolution advising ratification, June 24, 1795, accepted by Great Britain.

† See Notes: "Abrogated, suspended or obsolete treaties."

third article of the treaty of amity, commerce and navigation: And it being the sincere desire of His Britannic Majesty and of the United States that this point should be so explained as to remove all doubts and promote mutual satisfaction and friendship: And for this purpose His Britannic Majesty having named for his Commissioner, Phineas Bond, Esquire, His Majesty's Consul General for the Middle and Southern States of America, (and now His Majesty's Chargé d'Affaires to the United States,) and the President of the United States having named for their Commissioner, Timothy Pickering, Esquire, Secretary of State of the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation: They, the said Commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce and navigation, entered into this explanatory article, and do by these presents explicitly agree and declare, that no stipulations in any treaty subsequently concluded by either of the contracting parties with any other State or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third article of the treaty of amity, commerce and navigation, to the subjects of his Majesty and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass, by land or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce and navigation.

Negotiators.

This explanatory article, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the said treaty of amity, commerce and navigation, and shall be permanently binding upon His Majesty and the United States.

Ratifications.

In witness whereof we, the said Commissioners of His Majesty the King of Great Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals.

Done at Philadelphia this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.

[SEAL.] P. BOND.
[SEAL.] TIMOTHY PICKERING.

1798.*

EXPLANATORY ARTICLE TO THE TREATY OF NOVEMBER 19, 1794, RELEASING THE COMMISSIONERS UNDER THE FIFTH ARTICLE FROM PARTICULARIZING THE LATITUDE AND LONGITUDE OF THE RIVER ST. CROIX.

Concluded March 15, 1798; *Ratification advised by Senate June* 5, 1798.

The Commissioners under the 5th article and the source of the St. Croix.

Whereas by the twenty-eighth article of the treaty of amity, commerce, and navigation between His Britannick Majesty and the United States, signed at London on the nineteenth day of November, one thousand seven hundred and ninety-four, it was agreed that the contracting parties would, from time to time,

* See Notes: "Abrogated, suspended or obsolete treaties."

readily treat of and concerning such further articles as might be proposed; that they would sincerely endeavour so to form such articles as that they might conduce to mutual convenience and tend to promote mutual satisfaction and friendship; and that such articles, after having been duly ratified, should be added to and make a part of that treaty: And whereas difficulties have arisen with respect to the execution of so much of the fifth article of the said treaty as requires that the Commissioners appointed under the same should in their description particularize the latitude and longitude of the source of the river which may be found to be the one truly intended in the treaty of peace between His Britannick Majesty and the United States, under the name of the river St. Croix, by reason whereof it is expedient that the said Commissioners should be released from the obligation of conforming to the provisions of the said article in this respect. The undersigned being respectively named by His Britannick Majesty and the United States of America their Plenipotentiaries for the purpose of treating of and concluding such articles as may be proper to be added to the said treaty, in conformity to the above-mentioned stipulation, and having communicated to each other their respective full powers, have agreed and concluded, and do hereby declare in the name of His Britannick Majesty and of the United States of America, that the Commissioners appointed under the fifth article of the above-mentioned treaty shall not be obliged to particularize, in their description, the latitude and longitude of the source of the river which may be found to be the one truly intended in the aforesaid treaty of peace under the name of the river St. Croix, but they shall be at liberty to describe the said river, in such other manner as they may judge expedient, which description shall be considered as a complete execution of the duty required of the said Commissioners in this respect by the article aforesaid. And to the end that no uncertainty may hereafter exist on this subject, it is further agreed, That as soon as may be after the decision of the said Commissioners, measures shall be concerted between the Government of the United States and His Britannick Majesty's Governors or Lieutenant Governors in America, in order to erect and keep in repair a suitable monument at the place ascertained and described to be the source of the said river St. Croix, which measures shall immediately thereupon, and as often afterwards as may be requisite, be duly executed on both sides with punctuality and good faith.

Negotiators.

Monument to be erected.

This explanatory article, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the treaty of amity, commerce, and navigation between His Majesty and the United States, signed at London on the nineteenth day of November, one thousand seven hundred and ninety-four, and shall be permanently binding upon His Majesty and the United States.

Ratifications.

In witness whereof we, the said undersigned Plenipotentiaries of His Britannick Majesty and the United States of America, have signed this present article, and have caused to be affixed thereto the seal of our arms.

Done at London this fifteenth day of March, one thousand seven hundred and ninety-eight.

[SEAL.] GRENVILLE.
[SEAL.] RUFUS KING.

1802.*

CONVENTION PROVIDING FOR PAYMENT OF INDEMNITY UNDER THE SIXTH AND SEVENTH ARTICLES OF THE TREATY OF NOVEMBER 19, 1794, AND DEBTS UNDER THE FOURTH ARTICLE OF THE TREATY OF SEPTEMBER 3, 1783.

Concluded January 8, 1802; *Ratifications exchanged at London July* 15, 1802.

Difficulties having arisen in the execution of the sixth article of the treaty of amity, commerce and navigation, concluded at London on the nineteenth day of November, one thousand seven hundred and ninety-four, between His Britannic Majesty and the United States of America, and in consequence thereof the proceedings of the Commissioners under the seventh article of the same treaty having been suspended, the parties to the said treaty being equally desirous, as far as may be, to obviate such difficulties, have respectively named Plenipotentiaries to treat and agree respecting the same, that is to say, His Britannic Majesty has named for his Plenipotentiary, the Right Honourable Robert Banks Jenkinson, commonly called Lord Hawkesbury, one of His Majesty's Most Honourable Privy Council, and his Principal Secretary of State for Foreign Affairs; and the President of the United States, by and with the advice and consent of the Senate thereof, has named for their Plenipotentiary, Rufus King, Esquire, Minister Plenipotentiary of the said United States to his Britannic Majesty; who have agreed to and concluded the following articles:

Article 7, treaty of November 19, 1794.

Negotiators.

ARTICLE I.

In satisfaction and discharge of the money which the United States might have been liable to pay in pursuance of the provisions of the said sixth article, which is hereby declared to be cancelled and annulled, except so far as the same may relate to the execution of the said seventh article, the United States of America hereby engage to pay, and His Britannic Majesty consents to accept, for the use of the persons described in the said sixth article, the sum of six hundred thousand pounds sterling, payable at the times and place, and in the manner following, that is to say, the said sum of six hundred thousand pounds sterling shall be paid at the city of Washington, in three annual instalments of two hundred thousand pounds sterling each, and to such person or persons as shall be authorized by His Britannic Majesty to receive the same; the first of the said instalments to be paid at the expiration of one year, the second instalment at the expiration of two years, and the third and last instalment at the expiration of three years next following the exchange of the ratifications of this convention. And to prevent any disagreement concerning the rate of exchanges, the said payments shall be made in the money of the said United States, reckoning four dollars and forty-four cents to be equal to one pound sterling.

United States to pay claims under 6th art. of treaty of 1794.

Time of payments.

ARTICLE II.

Whereas it is agreed by the fourth article of the definitive treaty of peace, concluded at Paris on the third day of September, one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States, that creditors on either side should meet with no lawful impediment to the recovery of

Claims under fourth article of treaty of 1783.

* See Notes: "Abrogated, suspended or obsolete treaties."

the full value in sterling money of all *bona fide* debts theretofore contracted, it is hereby declared that the said fourth article, so far as respects its future operation, is hereby recognized, confirmed and declared to be binding and obligatory on His Britannic Majesty and the said United States, and the same shall be accordingly observed with punctuality and good faith, and so as that the said creditors shall hereafter meet with no lawful impediment to the recovery of the full value in sterling money of their *bona fide* debts.

Article III.

It is furthermore agreed and concluded that the Commissioners appointed in pursuance of the seventh article of the said treaty of amity, commerce and navigation, and whose proceedings have been suspended as aforesaid, shall, immediately after the signature of this convention, re-assemble and proceed in the execution of their duties according to the provisions of the said seventh article, except only that, instead of the sums awarded by the said Commissioners being made payable at the time or times by them appointed, all sums of money by them awarded to be paid to American or British claimants, according to the provisions of the said seventh article, shall be made payable in three equal instalments, the first whereof to be paid at the expiration of one year, the second at the expiration of two years, and the third and last at the expiration of three years next after the exchange of the ratifications of this convention.

Commissioners under seventh article.

Change in method of payments.

Article IV.

This convention, when the same shall have been ratified by His Majesty, and by the President of the United States, by and with the advice and consent of the Senate thereof, and the respective ratifications duly exchanged, shall be binding and obligatory upon His Majesty and the said United States.

Ratifications.

In faith whereof we, the undersigned Plenipotentiaries of His Britannic Majesty and of the United States of America, by virtue of our respective full powers, have signed the present convention, and have caused the seals of our arms to be affixed thereto.

Done at London the eighth day of January, one thousand eight hundred and two.

[SEAL.] HAWKESBURY.
[SEAL.] RUFUS KING.

1814.

TREATY OF PEACE AND AMITY.

Concluded December 24, 1814; *Ratifications exchanged at Washington February* 17, 1815; *Proclaimed February* 18, 1815.

His Britannic Majesty and the United States of America, desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship and good understanding between them, have, for that purpose, appointed their respective Plenipotentiaries, that is to say:

His Britannic Majesty, on his part, has appointed the Right Honourable

James Lord Gambier, late Admiral of the White, now Admiral of the Red Squadron of His Majesty's fleet, Henry Goulburn, Esquire, a member of the Imperial Parliament, and Under Secretary of State, and William Adams, Esquire, Doctor of Civil Laws; and the President of the United States, by and with the advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States;

Negotiators.

Who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

ARTICLE I.

Declaration of amity.

There shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds and papers, either of a public nature or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty as to such possession of the islands and territories claimed by both parties shall, in any manner whatever, be construed to affect the right of either.

Restoration of territory.

Archives and records to be restored.

ARTICLE II.

Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects and citizens of the two Powers to cease from all hostilities. And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north to the latitude of fifty degrees north, and as far eastward in the Atlantic Ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side: that the time shall be thirty days in all other parts of the Atlantic Ocean north of the equinoctial line or equator, and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the

Hostilities to cease.

Prizes taken after signing of this treaty.

West Indies; forty days for the North Seas, for the Baltic, and for all parts of the Mediterranean; sixty days for the Atlantic Ocean south of the equator, as far as the latitude of the Cape of Good Hope; ninety days for every other part of the world south of the equator; and one hundred and twenty days for all other parts of the world, without exception.

ARTICLE III.

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners. Prisoners of war.

ARTICLE IV.

Whereas it was stipulated by the second article in the treaty of peace of one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to His Britannic Majesty, as having been, at the time of and previous to the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the Province of Nova Scotia: In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two Commissioners to be appointed in the following manner, viz: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively. The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a declaration or report under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said Commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed that, in event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing, or declining, or wilfully omitting to act as such, they shall make, jointly or separately, a report or re-

Boundary established by the treaty of 1783.

Appointment of Commissioners.

Place of meeting of the Commissioners.

In case of disagreement of Commissioners.

ports, as well to the Government of His Britannic Majesty as to that of the United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly sovereign or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined or omitted to act, as the case may be. And if the Commissioner so refusing, declining or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or State, together with the report of such other Commissioner, then such sovereign or State shall decide *ex parte* upon the said report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of such friendly sovereign or State to be final and conclusive on all the matters so referred.

Reference to a friendly Power.

ARTICLE V.

Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and designated in the former treaty of peace between the two Powers as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut River, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two Powers which extends from the source of the river St. Croix directly north to the abovementioned northwest angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean to the northwesternmost head of Connecticut River, thence down along the middle of that river to the forty-fifth degree of north latitude; thence by a line due west on said latitude until it strikes the river Iroquois or Cataraquy, has not yet been surveyed: it is agreed that for these several purposes two Commissioners shall be appointed, sworn and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall have power to ascertain and determine the points above mentioned, in conformity with the provisions of the said treaty of peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraquy, to be surveyed and marked according to the said provisions. The said Commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut River, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations or

Commissioners to settle boundaries.

Meeting and proceedings of commissioners.

Case of difference.

statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ARTICLE VI.

Question as to the boundary from a point on the forty-fifth degree of north latitude to be referred to Commissioners.

Whereas by the former treaty of peace that portion of the boundary of the United States from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraquy to the Lake Superior, was declared to be "along the middle of said river into Lake Ontario, through the middle of said lake, until it strikes the communication by water between that lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication into the Lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior;" and whereas doubts have arisen what was the middle of the said river, lakes and water communications, and whether certain islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present article. The said Commissioners shall meet, in the first instance, at Albany, in the State of New York, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes and water communications, and decide to which of the two contracting parties the several islands lying within the said rivers, lakes and water communications, do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and eighty-three. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining or wilfully omitting to act, such reports, declarations or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Place of meeting and duties of the Commissioners.

In case of disagreement.

ARTICLE VII.

Commissioners to fix the boundary to the water communication between the Lakes Huron and Superior, and the Lake of the Woods.

It is further agreed that the said two last-mentioned Commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby, authorized upon their oaths impartially to fix and determine, according to the true intent of the said treaty of peace of one thousand seven hundred and eighty-three, that part of the boundary between the dominions of the two Powers which extends from the water communication between Lake Huron and Lake Superior, to the most northwestern point of the Lake of the Woods, to decide to which of the two parties the several islands lying in the lakes, water communications and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said treaty of peace of

one thousand seven hundred and eighty-three; and to cause such parts of the said boundary as require it to be surveyed and marked. The said Commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining or wilfully omitting to act, such reports, declarations or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Case of disagreement.

Article VIII.

The several boards of two Commissioners mentioned in the four preceding articles shall respectively have power to appoint a Secretary, and to employ such surveyors or other persons as they shall judge necessary. Duplicates of all their respective reports, declarations, statements and decisions and of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of His Britannic Majesty and to the agents of the United States, who may be respectively appointed and authorized to manage the business on behalf of their respective Governments.

The board of Commissioners may appoint a secretary, and employ surveyors.

The said Commissioners shall be respectively paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said Commissions shall be defrayed equally by the two parties. And in the case of death, sickness, resignation or necessary absence, the place of every such Commissioner, respectively, shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioner shall take the same oath or affirmation, and do the same duties.

Compensation.

It is further agreed between the two contracting parties, that in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the Boards of Commissioners aforesaid, or of the sovereign or State so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war, by the party having had such possession, shall be as valid as if such island or islands had, by such decision or decisions, been adjudged to be within the dominions of the party having had such possession.

Grants of land previous to the commencement of the war not to be affected.

Article IX.

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights and privileges which they may have enjoyed or been entitled to in one thousand eight

Hostilities with Indian tribes.

hundred and eleven, previous to such hostilities: Provided always that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And His Britannic Majesty engages, on his part, to put an end immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively all the possessions, rights and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: Provided always that such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

ARTICLE X.

Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object.

Abolition of the slave trade.

ARTICLE XI.

This treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner if practicable.

Ratifications.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty, and have thereunto affixed our seals.

Done, in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

[SEAL.]	GAMBIER.
[SEAL.]	HENRY GOULBURN.
[SEAL.]	WILLIAM ADAMS.
[SEAL.]	JOHN QUINCY ADAMS.
[SEAL.]	J. A. BAYARD.
[SEAL.]	H. CLAY.
[SEAL.]	JONA. RUSSELL.
[SEAL.]	ALBERT GALLATIN.

DECLARATION OF THE COMMISSIONERS UNDER THE FOURTH ARTICLE OF THE TREATY OF GHENT. NOVEMBER 24, 1817.

NEW YORK, *November* 24, 1817.

SIR: The undersigned Commissioners, appointed by virtue of the fourth article of the treaty of Ghent, have attended to the duties assigned them; and have decided that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do each of them belong to the United States of America; and that all the other islands in the Bay of Passamaquoddy, and the Island

of Grand Menan, in the Bay of Fundy, do each of them belong to His Britannic Majesty, in conformity with the true intent of the second article of the treaty of peace of one thousand seven hundred and eighty-three. The Commissioners have the honor to enclose herewith their decision.

In making this decision it became necessary that each of the Commissioners should yield a part of his individual opinion. Several reasons induced them to adopt this measure; one of which was the impression and belief that the navigable waters of the Bay of Passamaquoddy, which, by the treaty of Ghent, is said to be part of the Bay of Fundy, are common to both parties for the purpose of all lawful and direct communication with their own territories and foreign ports.

The undersigned have the honor to be, with perfect respect, sir, your obedient and humble servants,

J. HOLMES.
THO. BARCLAY.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

DECISION OF THE COMMISSIONERS UNDER THE FOURTH ARTICLE OF THE TREATY OF GHENT. NOVEMBER 24, 1817.

By Thomas Barclay and John Holmes, Esquires, Commissioners, appointed by virtue of the fourth article of the treaty of peace and amity between His Britannic Majesty and the United States of America, concluded at Ghent on the twenty-fourth day of December, one thousand eight hundred and fourteen to decide to which of the two contracting parties to the said treaty the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do respectively belong, in conformity with the true intent of the second article of the treaty of peace of one thousand seven hundred and eighty-three, between his said Britannic Majesty and the aforesaid United States of America.

We, the said Thomas Barclay and John Holmes, Commissioners as aforesaid, having been duly sworn impartially to examine and decide upon the said claims according to such evidence as should be laid before us on the part of his Britannic Majesty and the United States, respectively, have decided, and do decide, that Moose Island,

Moose Island.

Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do, and each of them does, belong to the United States of America; and we have also decided, and do decide, that all the other islands, and each

Other islands.

and every of them, in the said Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do belong to his said Britannic Majesty, in conformity with the true intent of the said second article of said treaty of one thousand seven hundred and eighty-three.

In faith and testimony whereof we have set our hands and affixed our seals, at the city of New York, in the State of New York, in the United States of America, this twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventeen.

[SEAL.] JOHN HOLMES,
[SEAL.] THO. BARCLAY.

Witness:
JAMES T. AUSTIN, *Agt. U. S. A.*
ANTH: BARCLAY, *Sec'y.*

DECISION OF THE COMMISSIONERS UNDER THE SIXTH ARTICLE OF THE TREATY OF GHENT. DONE AT UTICA, IN THE STATE OF NEW YORK, 18TH JUNE, 1822.

The undersigned Commissioners, appointed, sworn and authorized, in virtue of the sixth article of the treaty of peace and amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the twenty-fourth day of December, in the year of our Lord one thousand eight hundred and fourteen, impartially to examine, and, by a report or declaration, under their hands and seals, to designate "that portion of the boundary of the United States from the point where the 45th degree of north latitude strikes the river Iroquois or Cataraqua, along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication, by water, between that lake and Lake Erie; thence, along the middle of said communication, into Lake Erie, through the middle of said lake, until it arrives at the water communication into Lake Huron; thence, through the middle of said water communication, into Lake Huron; thence, through the middle of said lake, to the water communication between that lake and Lake Superior;" and to "decide to which of the two contracting parties the several islands, lying within the said rivers, lakes and water communications, do respectively belong, in conformity with the true intent of the treaty of 1783:" Do decide and declare, that the following described line, (which is more clearly indicated on a series of maps accompanying this report, exhibiting correct surveys and delineations of all the rivers, lakes, water communications and islands, embraced by the sixth article of the treaty of Ghent, by a black line shaded on the British side with red, and on the American side with blue; and each sheet of which series of maps is identified by a certificate, subscribed by the Commissioners, and by the two principal surveyors employed by them,) is the true boundary intended by the two before mentioned treaties, that is to say: Boundary of United States.

Beginning at a stone monument, erected by Andrew Ellicott, Esquire, in the year of our Lord one thousand eight hundred and seventeen, on the south bank, or shore, of the said river Iroquois or Cataraqua, (now called the St. Lawrence,) which monument bears south seventy-four degrees and forty-five minutes west, and is eighteen hundred and forty yards distant from the stone church in the Indian village of St. Regis, and indicates the point at which the forty-fifth parallel of north latitude strikes the said river; thence, running north thirty-five degrees and forty-five minutes west, into the river, on a line at right angles with the southern shore, to a point one hundred yards south of the opposite island, called Cornwall Island; thence, turning westerly, and passing around the southern and western sides of said island, keeping one hundred yards distant therefrom, and following the curvatures of its shores to a point opposite to the northwest corner, or angle, of said island; thence to and along the middle of the main river, until it approaches the eastern extremity of Barnhart's Island; thence northerly, along the channel which divides the last-mentioned island from the Canada shore, keeping one hundred yards distant from the island, until it approaches Sheik's Island; thence along the middle of the strait which divides Barnhart's and Sheik's island, to the channel called the Long Sault, which separates the two last mentioned islands from the Lower Long Sault Island; thence westerly (crossing the centre of the last mentioned channel) until it approaches within one hundred yards of the north shore of the Lower Sault Island; thence up the north branch Beginning of boundary.

of the river, keeping to the north of, and near, the Lower Sault Island, and also north of, and near, the Upper Sault (sometimes called Baxter's) Island, and south of the two small islands, marked on the map A and B, to the western extremity of the Upper Sault, or Baxter's Island; thence passing between the two islands called the Cats, to the middle of the river above; thence along the middle of the river, keeping to the north of the small islands marked C and D; and north also of Chrystler's Island and of the small island next above it, marked E, until it approaches the northeast angle of Goose Neck Island; thence along the passage which divides the last-mentioned island from the Canada shore, keeping one hundred yards from the island, to the upper end of the same; thence south of, and near, the two small islands called the Nut Islands; thence north of, and near, the island marked F, and also of the island called Dry or Smuggler's Island; thence passing between the islands marked G and H, to the north of the island called Isle au Rapid Plat; thence along the north side of the last-mentioned island, keeping one hundred yards from the shore to the upper end thereof; thence along the middle of the river, keeping to the south of, and near, the islands called Cousson (or Tussin) and Presque Isle; thence up the river, keeping north of, and near, the several Gallop Isles, numbered on the map 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and also of Tick, Tibbet's, and Chimney Islands; and south of, and near, the Gallop Isles, numbered 11, 12, and 13, and also of Duck, Drummond, and Sheep Islands; thence along the middle of the river, passing north of island No. 14, south of 15, and 16, north of 17, south of 18, 19, 20, 21, 22, 23, 24, 25, and 28, and north of 26, and 27; thence along the middle of the river, north of Gull Island, and of the islands No. 29, 32, 33, 34, 35, Bluff Island, and No. 39, 44, and 45, and to the south of No. 30, 31, 36, Grenadier Island, and No. 37, 38, 40, 41, 42, 43, 46, 47, and 48, until it approaches the east end of Well's Island; thence to the north of Well's Island, and along the strait which divides it from Rowe's Island, keeping to the north of the small islands No. 51, 52, 54, 58, 59, and 61, and to the south of the small islands numbered and marked 49, 50, 53, 55, 57, 60, and X, until it approaches the northeast point of Grindstone Island; thence to the north of Grindstone Island, and keeping to the north also of the small islands, No. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the south of No. 62, 64, 66, 69, and 71, until it approaches the southern point of Hickory Island; thence passing to the south of Hickory Island, and of the two small islands lying near its southern extremity, numbered 79 and 80; thence to the south of Grand or Long Island, keeping near its southern shore, and passing to the north of Carlton Island, until it arrives opposite to the southwestern point of said Grand Island in Lake Ontario; thence passing to the north of Grenadier, Fox, Stony, and the Gallop Islands in Lake Ontario, and to the south of, and near, the islands called the Ducks, to the middle of the said lake; thence westerly, along the middle of said lake, to a point opposite the mouth of the Niagara River; thence to and up the middle of the said river to the Great Falls; thence up the Falls, through the point of the Horse Shoe, keeping to the west of Iris or Goat Island, and of the group of small islands at its head, and following the bends of the river so as to enter the strait between Navy and Grand Islands; thence along the middle of said strait to the head of Navy Island; thence to the west and south of, and near to, Grand and Beaver Islands, and to the west of Strawberry, Squaw, and Bird Islands, to Lake Erie; thence southerly and westerly, along the middle of Lake Erie, in a direction to enter the passage immediately south of Middle Island, being one of the easternmost of the group of islands lying in the

western part of said lake; thence along the said passage, proceeding to the north of Cunningham's Island, of the three Bass Islands, and of the Western Sister, and to the south of the islands called the Hen and Chickens, and of the Eastern and Middle Sisters; thence to the middle of the mouth of the Detroit River, in a direction to enter the channel which divides Bois-Blanc and Sugar Islands; thence up the said channel to the west of Bois-Blanc Island, and to the east of Sugar, Fox, and Stony Islands, until it approaches Fighting or Great Turkey Island; thence along the western side, and near the shore of said last-mentioned island, to the middle of the river above the same; thence along the middle of said river, keeping to the southeast of, and near, Hog Island, and to the northwest of, and near, the island called Isle a la Pache, to Lake St. Clair; thence through the middle of said lake, in a direction to enter that mouth or channel of the river St. Clair, which is usually denominated the Old Ship Channel; thence along the middle of said channel, between Squirrel Island on the southeast, and Herson's Island on the northwest, to the upper end of the last-mentioned island, which is nearly opposite to Point aux Chênes, on the American shore; thence along the middle of the river St. Clair, keeping to the west of, and near, the islands called Belle Riviere Isle, and Isle aux Cerfs, to Lake Huron; thence through the middle of Lake Huron, in a direction to enter the strait or passage between Drummond's Island on the west, and the Little Manitou Island on the east; thence through the middle of the passage which divides the two last-mentioned islands; thence turning northerly and westerly, around the eastern and northern shores of Drummond's Island, and proceeding in a direction to enter the passage between the Island of St. Joseph's and the American shore, passing to the north of the intermediate islands No. 61, 11, 10, 12, 9, 6, 4, and 2, and to the south of those numbered 15, 13, 5, and 1; thence up the said last-mentioned passage, keeping near to the island St. Joseph's, and passing to the north and east of Isle a la Crosse, and of the small islands numbered 16, 17, 18, 19, and 20, and to the south and west of those numbered 21, 22, and 23, until it strikes a line (drawn on the map with black ink and shaded on one side of the point of intersection with blue, and on the other with red,) passing across the river at the head of St. Joseph's Island, and at the foot of the Neebish Rapids, which line denotes the termination of the boundary directed to be run by the sixth article of the treaty of Ghent.

And the said Commissioners do further decide and declare, that all the islands lying in the rivers, lakes and water communications, between the before-described boundary-line and the adjacent shores of Upper Canada, do, and each of them does, belong to His Britannic Majesty, and that all the islands lying in the rivers, lakes and water communications, between the said boundary-line and the adjacent shores of the United States, or their territories, do, and each of them does, belong to the United States of America, in conformity with the true intent of the second article of the said treaty of 1783, and of the sixth article of the treaty of Ghent. Islands.

In faith whereof we, the Commissioners aforesaid, have signed this declaration, and thereunto affixed our seals.

Done in quadruplicate at Utica, in the State of New York, in the United States of America, this eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty-two.

[SEAL.] PETER B. PORTER.
[SEAL.] ANTH: BARCLAY.

1815.

CONVENTION TO REGULATE COMMERCE AND NAVIGATION.

Concluded July 3, 1815; Ratifications exchanged at Washington December 22, 1815.

The United States of America and His Britannick Majesty being desirous, by a convention, to regulate the commerce and navigation between their respective countries, territories and people, in such a manner as to render the same reciprocally beneficial and satisfactory, have respectively named Plenipotentiaries, and given them full powers to treat of and conclude such convention, that is to say:

The President of the United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiaries John Quincy Adams, Henry Clay, and Albert Gallatin, citizens of the United States; and His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, has named for his Plenipotentiaries the Right Honourable Frederick John Robinson, Vice-President of the Committee of Privy Council for Trade and Plantations, Joint Paymaster of His Majesty's Forces, and a member of the Imperial Parliament, Henry Goulburn, Esquire, a member of the Imperial Parliament, and Under Secretary of State, and William Adams, Esquire, Doctor of Civil Laws;

Negotiators.

And the said Plenipotentiaries, having mutually produced and shown their said full powers, and exchanged copies of the same, have agreed on and concluded the following articles, vide licet:

ARTICLE I.

Freedom of commerce and navigation.

There shall be between the territories of the United States of America, and all the territories of His Britannick Majesty in Europe, a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty freely and securely to come with their ships and cargoes to all such places, ports and rivers, in the territories aforesaid, to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation respectively shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries, respectively.

ARTICLE II.

No discriminating duties on imports and exports.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce or manufacture of His Britannick Majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of His Britannick Majesty in Europe of any articles the growth, produce or manufacture of the United States, than are or shall be payable on the like articles being the growth, produce or manufacture of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to His Britannick Majesty's territories in Europe, respectively, than such as are payable

on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the growth, produce or manufacture of the United States, or of His Britannick Majesty's territories in Europe, to or from the said territories of His Britannick Majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannick Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels. No discriminating duties on vessels.

The same duties shall be paid on the importation into the United States of any articles the growth, produce or manufacture of His Britannick Majesty's territories in Europe, whether such importation shall be in vessels of the United States or in British vessels, and the same duties shall be paid on the importation into the ports of any of His Britannick Majesty's territories in Europe, of any article the growth, produce or manufacture of the United States, whether such importation shall be in British vessels or in vessels of the United States. Duties on productions.

The same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce or manufacture of His Britannick Majesty's territories in Europe to the United States, whether such exportation shall be in vessels of the United States or in British vessels; and the same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce or manufacture of the United States, to His Britannick Majesty's territories in Europe, whether such exportation shall be in British vessels or in vessels of the United States. Equality of duties.

It is further agreed that in all cases where drawbacks are or may be allowed upon the re-exportation of any goods the growth, produce or manufacture of either country, respectively, the amount of the said drawbacks shall be the same, whether the said goods shall have been originally imported in a British or an American vessel; but when such re-exportation shall take place from the United States in a British vessel, or from the territories of His Britannick Majesty in Europe in an American vessel, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawback. Drawbacks the same.

The intercourse between the United States and his Britannick Majesty's possessions in the West Indies, and on the continent of North America, shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of its rights, with respect to such an intercourse. Intercourse with the British West Indies and North American continental possessions.

Article III.

His Britannick Majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal settlements of the British dominions in the East Indies, vide licit: Calcutta, Madras, Bombay, and Prince of Wales' Island; and that the citizens of the said United States may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation, respect- Trade with Calcutta direct.

ively, to and from the said territories, shall not be entirely prohibited; provided only, that it shall not be lawful for them, in any time of war between the British Government and any State or Power whatever, to export from the said territories, without the special permission of the British Government, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favor'd European nations, and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels than shall be payable on the same articles when imported or exported in the vessels of the most favored European nations.

Articles must be conveyed direct to United States and be unladen.

But it is expressly agreed that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

Coasting trade in the British East Indies.

It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels of the United States having, in the first instance, proceeded to one of the said principal settlements of the British Dominions in the East Indies, and then going with their original cargoes, or part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade.

At what places American vessels may touch for refreshment.

The vessels of the United States may also touch for refreshment, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the Emperor of China, at the Cape of Good Hope, the island of St. Helena,* or such other places as may be in the possession of Great Britain, in the African or Indian seas; it being well understood that in all that regards this article the citizens of the United States shall be subject, in all respects, to the laws and regulations of the British Government from time to time established.

ARTICLE IV.

Consuls.

It shall be free for each of the two contracting parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared that, in case of illegal or improper conduct towards the laws or Government of the country to which he is sent, such Consul may either be punished according to law, if the laws will reach the case, or be sent back, the offended Government assigning to the other the reasons for the same.

Particular places excepted from the residence of Consuls.

It is hereby declared that either of the contracting parties may except from the residence of Consuls such particular places as such party shall judge fit to be so excepted.

ARTICLE V.

Duration of Convention.

This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by His Britannick Majesty, and the respective ratifications mutually exchanged, shall be binding and

* See "Declaration" at the end of this convention.

obligatory on the said United States and His Majesty for four years from the date of its signature;* and the ratifications shall be exchanged in six months from this time, or sooner if possible. Ratifications.

Done at London this third day of July, in the year of our Lord one thousand eight hundred and fifteen.

[SEAL.]	JOHN QUINCY ADAMS.
[SEAL.]	H. CLAY.
[SEAL.]	ALBERT GALLATIN.
[SEAL.]	FREDERICK JOHN ROBINSON.
[SEAL.]	HENRY GOULBURN.
[SEAL.]	WILLIAM ADAMS.

DECLARATION.

The undersigned, His Britannick Majesty's Chargé d'Affaires in the United States of America, is commanded by His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, to explain and declare, upon the exchange of the ratifications of the convention concluded at London on the third of July of the present year, for regulating the commerce and navigation between the two countries, that, in consequence of events which have happened in Europe subsequent to the signature of the convention aforesaid, it has been deemed expedient, and determined, in conjunction with the allied sovereigns, that St. Helena shall be the place allotted for the future residence of General Napoleon Bonaparte, under such regulations as may be necessary for the perfect security of his person; and it has been resolved, for that purpose, that all ships and vessels whatever, as well British ships and vessels as others, excepting only ships belonging to the East India Company, shall be excluded from all communication with, or approach to, that island. Declaration relative to St. Helena. All vessels, except those of the East India Company, excluded from approaching the island.

It has therefore become impossible to comply with so much of the third article of the treaty as relates to the liberty of touching for refreshment at the island of St. Helena, and the ratifications of the said treaty will be exchanged under the explicit declaration and understanding that the vessels of the United States cannot be allowed to touch at, or hold any communication whatever with, the said island, so long as the said island shall continue to be the place of residence of the said Napoleon Bonaparte.†

ANTHONY ST. JNO. BAKER.

WASHINGTON, *November* 24, 1815.

ARRANGEMENT AS TO THE NAVAL FORCE TO BE RESPECTIVELY MAINTAINED ON THE AMERICAN LAKES.

Mr. Bagot to Mr. Rush.

WASHINGTON, *April 28th*, 1817.

The undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to acquaint Mr. Rush, that

* Continued for ten years by the fourth article of the convention of 20th October, 1818, and indefinitely extended by convention of August 6, 1827.

† In consequence of the death of Napoleon Bonaparte, the British Government notified the Minister of the United States at London of the cessation of this restriction, on the 30th July, 1821.

having laid before His Majesty's Government the correspondence which passed last year between the Secretary of the Department of State and the undersigned upon the subject of a proposal to reduce the Naval Force of the respective countries upon the American Lakes, he has received the commands of His Royal Highness the Prince Regent to acquaint the Government of the United States, that His Royal Highness is willing to accede to the proposition made to the undersigned by the Secretary of the Department of State in his note of the 2d of August last.

Proclamation of the President of the United States, April 28, 1818.

His Royal Highness acting in the name and on the behalf of His Majesty, agrees, that the Naval force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side. That is

On Lake Ontario to one vessel not exceeding one hundred Tons burthen and armed with one eighteen pound cannon.

On the upper lakes to two vessels not exceeding like burthen each and armed with like force.

On the waters of Lake Champlain to one vessel not exceeding like burthen and armed with like force.

And His Royal Highness agrees that all other armed vessels on these Lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed.

His Royal Highness further agrees that if either Party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other Party, it shall cease to be binding after the expiration of six months from the date of such notice.

Stipulation may cease on six months' notice.

The undersigned has it in command from His Royal Highness the Prince Regent to acquaint the American Government, that His Royal Highness has issued orders to His Majesty's officers on the lakes directing that the Naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other Party.

The undersigned has the honour to renew to Mr. Rush the assurances of his highest consideration.

CHARLES BAGOT.

Mr. Rush to Mr. Bagot.

DEPARTMENT OF STATE
April 29th 1817

The undersigned acting Secretary of State has the honor to acknowledge the receipt of Mr. Bagot's note of the 28th of this month, informing him that, having laid before the Government of His Britannick Majesty, the correspondence which passed last year between the Secretary of State and himself upon the subject of a proposal to reduce the naval force of the two countries upon the American Lakes, he had received the commands of His Royal Highness The Prince Regent to inform this Government that His Royal Highness was willing to accede to the proposition made by the Secretary of State in his note of the second of August last.

The undersigned has the honor to express to Mr. Bagot the satisfaction which the President feels at His Royal Highness The Prince Regent's having acceded to the proposition of this Government as contained in the note alluded to. And in further answer to Mr. Bagot's note,

the undersigned by direction of the President, has the honor to state, that this Government, cherishing the same sentiments expressed in the note of the second of August, agrees, that the naval force to be maintained upon the Lakes of the United States and Great Britain shall henceforth, be confined to the following vessels on each side—that is:

On Lake Ontario to one vessel not exceeding One Hundred Tons burden and armed with an eighteen pound cannon. On the Upper Lakes to two vessels not exceeding the like burden each, and armed with like force, and on the waters of Lake Champlain to one vessel not exceeding like burden and armed with like force.

And it agrees that all other armed vessels on these Lakes, shall be forthwith dismantled, and that no other vessels of war shall be there built or armed. And it further agrees, that if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The undersigned is also directed by The President to state, that proper orders will be forthwith issued by this Government to restrict the naval force thus limited to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The undersigned eagerly avails himself of this opportunity to tender to Mr. Bagot the assurances of his distinguished consideration and respect.

RICHARD RUSH.

1818.

CONVENTION RESPECTING FISHERIES, BOUNDARY, AND RESTORATION OF SLAVES.

Concluded October 20, 1818; *Ratifications exchanged at Washington January*, 30, 1819; *Proclaimed January* 30, 1819.

The United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective Plenipotentiaries, that is to say:

The President of the United States, on his part, has appointed, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to the Court of France; and Richard Rush, their Envoy Extraordinary and Minister Plenipotentiary to the Court of His Britannic Majesty:—and His Majesty has appointed the Right Honorable Frederick John Robinson, Treasurer of His Majesty's Navy, and President of the Committee of Privy Council for Trade and Plantations; and Henry Goulburn Esq., one of His Majesty's Under Secretarys of State:— Negotiators.

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles.

ARTICLE I.

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties, that the inhabitants of the said United Definition of the extent of the common right of fishing.

States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador, to and through the Streights of Belleisle and thence northwardly indefinitely along the coast, without prejudice however, to any of the exclusive rights of the Hudson Bay Company: And that the American fishermen shall also have liberty forever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on, or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the abovementioned limits; Provided however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Hudson Bay Company.

Renunciation by the United States as to certain other liberties.

Article II.

It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or, if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel shall be the line of demarcation between the territories of the United States, and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

Definition of the northern boundary of the United States from the Lake of the Woods to the Stony Mountains.

Article III.

It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers: it being well understood, that this agreement is not to be construed to the prejudice of any claim, which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part

Country claimed by either party westward of the Stony Mountains.

of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.

ARTICLE IV.

All the provisions of the convention "to regulate the commerce between the territories of the United States and of His Britannic Majesty" concluded at London on the third day of July in the year of our Lord one thousand eight hundred and fifteen, with the exception of the clause which limited its duration to four years, and excepting also so far as the same was affected by the declaration of His Majesty respecting the island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the signature of the present convention, in the same manner, as if all the provisions of the said convention were herein specially recited.

Convention of London of 3d July, 1815, continued for ten years.

ARTICLE V.

Whereas it was agreed by the first article of the treaty of Ghent, that "all territory, places, and possessions whatsoever taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay; and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property;" and whereas under the aforesaid article the United States claim for their citizens, and as their private property, the restitution of, or full compensation for all slaves who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions whatsoever directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel lying in waters within the territory or jurisdiction of the United States; and whereas differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restitution of, or full compensation for all or any slaves as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or State to be named for that purpose; and the high contracting parties further engage to consider the decision of such friendly sovereign or State, to be final and conclusive on all the matters referred.

Reference to 1st article of treaty of Ghent relative to restoration of territory.

Claim for slaves under the 1st article of the treaty of Ghent.

Differences growing out of the claim for slaves.

ARTICLE VI.

This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States and on His Majesty; and the ratifications shall be exchanged in six months from this date, or sooner, if possible.

Ratifications.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at London this twentieth day of October, in the year of our Lord one thousand eight hundred and eighteen.

[SEAL.]	ALBERT GALLATIN.
[SEAL.]	RICHARD RUSH.
[SEAL.]	FREDERICK JOHN ROBINSON.
[SEAL.]	HENRY GOULBURN.

1822.

CONVENTION FOR INDEMNITY UNDER AWARD OF EMPEROR OF RUSSIA AS TO TRUE CONSTRUCTION OF FIRST ARTICLE OF TREATY OF DECEMBER 24, 1814.

Concluded June 30, July 12, 1822; *Ratifications exchanged at Washington January* 10, 1823; *Proclaimed January* 11, 1823.

In the name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, having agreed, in pursuance of the fifth article of the convention concluded at London on the 20th day of October, 1818, to refer the differences which had arisen between the two Governments, upon the true construction and meaning of the first article of the treaty of peace and amity concluded at Ghent on the 24th day of December, 1814, to the friendly arbitration of His Majesty the Emperor of all the Russias, mutually engaging to consider his decision as final and conclusive. And his said Imperial Majesty having, after due consideration, given his decision upon these differences in the following terms, to wit:

Reference of differences to the Emperor of Russia.

Award to be considered final.

"That the United States of America are entitled to claim from Great Britain a just indemnification for all private property which the British forces may have carried away; and, as the question relates to slaves more especially, for all the slaves that the British forces may have carried away from places and territories of which the treaty stipulates the restitution, in quitting these same places and territories.

United States entitled to indemnification for certain slaves.

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transferred from the above-mentioned territories to British vessels within the waters of the said territories, and who for this reason may not have been restored.

"But that if there should be any American slaves who were carried away from territories of which the first article of the treaty of Ghent has not stipulated the restitution to the United States, the United States are not entitled to claim an indemnification for the said slaves."

No indemnification for certain slaves.

Now, for the purpose of carrying into effect this award of His Imperial Majesty, as arbitrator, his good offices have been farther invoked to assist in framing such convention or articles of agreement between the United States of America and his Britannic Majesty as shall provide the mode of ascertaining and determining the value of slaves and of other private property, which may have been carried away in contravention of the treaty of Ghent, and for which indemnification is to be made to

the citizens of the United States, in virtue of His Imperial Majesty's said award, and shall secure compensation to the sufferers for their losses, so ascertained and determined. And His Imperial Majesty has consented to lend his mediation for the above purpose, and has constituted and appointed Charles Robert Count Nesselrode, His Imperial Majesty's Privy Councellor, member of the Council of State, Secretary of State directing the Imperial Department of Foreign Affairs, Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honor of France, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Annunciation of Sardinia, of the Polar Star of Sweden, of the Elephant of Denmark, of the Golden Eagle of Wirtemberg, of Fidelity of Baden, of St. Constantine of Parma, and of Guelph of Hannovre; and John Count Capodistrias, His Imperial Majesty's Privy Counsellor, and Secretary of State, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honour of France, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of St. Maurice and of St. Lazarus of Sardinia, of the Elephant of Denmark, of Fidelity and of the Lion of Zahringen of Baden, Burgher of the Canton of Vaud, and also of the Canton and of the Republic of Geneva, as his Plenipotentiaries to treat, adjust, and conclude such articles of agreement as may tend to the attainment of the above-mentioned end, with the Plenipotentiaries of the United States and of His Britannic Majesty, that is to say:

Russian mediators.

On the part of the President of the United States, with the advice and consent of the Senate thereof, Henry Middleton, a citizen of the said United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of all the Russias; and on the part of His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Sir Charles Bagot, one of His Majesty's most Honorable Privy Council, Knight Grand Cross of the most honorable Order of the Bath, and his Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of all the Russias;

Negotiators on part of the United States and Great Britain.

And the said Plenipotentaries, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon the following articles:

Article I.

For the purpose of ascertaining and determining the amount of indemnification which may be due to citizens of the United States under the decision of His Imperial Majesty, two Commissioners and two Arbitrators shall be appointed in the manner following, that is to say: One Commissioner and one Arbitrator shall be nominated and appointed by the President of the United States of America, by and with the advice and consent of the Senate thereof; and one Commissioner and one Arbitrator shall be appointed by His Britannic Majesty. And the two Commissioners and two Arbitrators, thus appointed, shall meet and hold their sittings as a board in the city of Washington. They shall have power to appoint a secretary,

Arbitrators and Commissioners to be appointed.

and before proceeding to the other business of the commission, they shall, respectively, take the following oath (or affirmation) in the presence of each other; which oath or affirmation, being so taken, and duly attested, shall be entered on the record of their proceedings, that is to say: "I, A. B., one of the Commissioners (or Arbitrators, as the case may be) appointed in pursuance of the convention concluded at St. Petersburg on the $\frac{30\text{th}}{12\text{th}}$ day of $\frac{\text{June,}}{\text{July,}}$ one thousand eight hundred and twenty-two, between His Majesty the Emperor of all the Russias, the United States of America, and His Britannic Majesty, do solemnly swear (or affirm) that I will diligently, impartially, and carefully examine, and, to the best of my judgment, according to justice and equity, decide all matters submitted to me as Commissioner (or Arbitrator, as the case may be) under the said convention."

Oath or affirmation.

All vacancies occuring by death or otherwise shall be filled up in the manner of the original appointment, and the new Commissioners or Arbitrators shall take the same oath or affirmation, and perform the same duties.

How vacancies are to be filled.

ARTICLE II.

If, at the first meeting of this board, the Governments of the United States and of Great Britain shall not have agreed upon an average value, to be allowed as compensation for each slave for whom indemnification may be due; then, and in that case, the Commissioners and Arbitrators shall conjointly proceed to examine the testimony which shall be produced under the authority of the President of the United States, together with such other competent testimony as they may see cause to require or allow, going to prove the true value of slaves at the period of the exchange of the ratifications of the treaty of Ghent; and, upon the evidence so obtained, they shall agree upon and fix the average value. But in case that the majority of the board of Commissioners and Arbitrators should not be able to agree respecting such average value, then, and in that case, recourse shall be had to the arbitration of the Minister or other Agent of the mediating Power accredited to the Government of the United States. A statement of the evidence produced, and of the proceedings of the board thereupon, shall be communicated to the said Minister or Agent, and his decision, founded upon such evidence and proceedings, shall be final and conclusive. And the said average value, when fixed and determined by either of the three before-mentioned methods, shall, in all cases, serve as a rule for the compensation to be awarded for each and every slave, for whom it may afterwards be found that indemnification is due.

Average value.

In case of disagreement.

ARTICLE III.

When the average value of slaves shall have been ascertained and fixed, the two Commissioners shall constitute a board for the examination of the claims which are to be submitted to them, and they shall notify to the Secretary of State of the United States that they are ready to receive a definite list of the slaves and other private property for which the citizens of the United States claim idemnification; it being understood and hereby agreed that the commission shall not take cognizance of, nor receive, and that his Britannic Majesty shall not be required to make, compensation for any claims for private property under the first article of the treaty of Ghent not

Commissioners to constitute a board for the examination of claims.

contained in the said list. And his Britannic Majesty hereby engages to cause to be produced before the commission, as material towards ascertaining facts, all the evidence of which his Majesty's Government may be in possession, by returns from His Majesty's officers or otherwise, of the number of slaves carried away. But the evidence so produced, or its defectiveness, shall not go in bar of any claim or claims which shall be otherwise satisfactorily authenticated.

Evidence of the number of slaves carried away to be produced by Great Britain.

Article IV.

The two Commissioners are hereby empowered and required to go into an examination of all the claims submitted, thro' the above-mentioned list, by the owners of slaves or other property, or by their lawful attorneys or representatives, and to determine the same, respectively, according to the merits of the several cases, under the rule of the Imperial decision hereinabove recited, and having reference, if need there be, to the explanatory documents hereunto annexed, marked A and B. And, in considering such claims, the Commissioners are empowered and required to examine, on oath or affirmation, all such persons as shall come before them touching the real number of the slaves, or value of other property, for which idemnification is claimed; and, also, to receive in evidence, according as they may think consistent with equity and justice, written depositions or papers, such depositions or papers being duly authenticated, either according to existing legal forms, or in such other manner as the said Commissioners shall see cause to require or allow.

Examinations and evidence.

Article V.

In the event of the two Commissioners not agreeing in any particular case under examination, or of their disagreement upon any question which may result from the stipulations of this convention, then and in that case they shall draw by lot the name of one of the two Arbitrators, who, after having given due consideration to the matter contested, shall consult with the Commissioners; and a final decision shall be given, conformably to the opinion of the majority of the two Commissioners and of the Arbitrator so drawn by lot. And the Arbitrator, when so acting with the two Commissioners, shall be bound in all respects by the rules of proceeding enjoined by the IVth article of this convention upon the Commissioners, and shall be vested with the same powers, and be deemed, for that case, a Commissioner.

If the Commissioners shall not agree.

Article VI.

The decision of the two Commissioners, or of the majority of the board, as constituted by the preceding article, shall in all cases be final and conclusive, whether as to number, the value, or the ownership of the slaves, or other property, for which indemnification is to be made. And His Britannic Majesty engages to cause the sum awarded to each and every owner in lieu of his slave or slaves, or other property, to be paid in specie, without deduction, at such time or times and at such place or places as shall be awarded by the said Commissioners, and on condition of such releases or assignments to be given as they shall direct: Provided, that no such payment shall be fixed to take place sooner than twelve months from the day of the exchange of the ratifications of this convention.

Decision to be final.

Payment.

ARTICLE VII.

Pay of Commissioners.

It is farther agreed that the Commissioners and Arbitrators shall be respectively paid in such manner as shall be settled between the Governments of the United States and Great Britain at the time of the exchange of the ratifications of this convention. And all other expenses attending the execution of the commission shall be defrayed jointly by the United States and His Britannic Majesty, the same being previously ascertained and allowed by the majority of the board.

ARTICLE VIII.

Certified copies of this Convention to be delivered to each of the contracting countries.

A certified copy of this convention, when duly ratified by His Majesty the Emperor of all the Russias, by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, shall be delivered by each of the contracting parties, respectively, to the Minister or other Agent of the mediating Power accredited to the Government of the United States, as soon as may be after the ratifications shall have been exchanged; which last shall be effected at Washington in six months from the date hereof, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed this convention, drawn up in two languages, and have hereunto affixed their seals.

Done in triplicate at St. Petersburg, this $\frac{\text{thirtieth}}{\text{twelfth}}$ day of $\frac{\text{June,}}{\text{July,}}$ one thousand eight hundred and twenty-two.

[SEAL.] NESSELRODE.
[SEAL.] CAPODISTRIAS.
[SEAL.] HENRY MIDDLETON.
[SEAL.] CHARLES BAGOT.

A.

Count Nesselrode to Mr. Middleton.

[Translation.]

The undersigned, Secretary of State, directing the Imperial Administration of Foreign Affairs, has the honor to communicate to Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, the opinion which the Emperor, his master, has thought it his duty to express upon the object of the differences which have arisen between the United States and Great Britain, relative to the interpretation of the first article of the treaty of Ghent.

Mr. Middleton is requested to consider this opinion as the award required of the Emperor by the two Powers.

He will doubtless recollect that he, as well as the Plenipotentiary of His Britannic Majesty, in all his memorials, has principally insisted on the grammatical sense of the first article of the treaty of Ghent, and that, even in his note of the 4th (16th) November, 1821, he has formally declared that it was on the *signification of the words in the text of the article as it now is* that the decision of His Imperial Majesty should be founded.

The same declaration being made in the note of the British Plenipotentiary dated 8th (20th) October, 1821, the Emperor had only to conform to the wishes expressed by the two parties, by devoting all his attention to the examination of the grammatical question.

The above-mentioned opinion will show the manner in which His Imperial Majesty judges of this question; and in order that the Cabinet of Washington may also know the motives upon which the Emperor's judgment is founded, the undersigned has hereto subjoined an extract of some observations upon the literal sense of the first article of the treaty of Ghent.

In this respect the Emperor has confined himself to following the rules of the language employed in drawing up the act, by which the two Powers have required his arbitration, and defined the object of their difference.

His Imperial Majesty has thought it his duty, exclusively, to obey the authority of these rules, and his opinion could not but be the rigorous and necessary consequence thereof.

The undersigned eagerly embraces this occasion to renew to Mr. Middleton the assurances of his most distinguished consideration.

NESSELRODE.

ST. PETERSBURG, 22d April, 1822.

HIS IMPERIAL MAJESTY'S AWARD.

[Translation.]

Invited by the United States of America and by Great Britain to give an opinion, as Arbitrator, in the differences which have arisen between these two Powers, on the subject of the interpretation of the first article of the treaty which they concluded at Ghent, on the 24th December, 1814, the Emperor has taken cognizance of all the acts, memorials, and notes in which the respective Plenipotentiaries have set forth to his administration of foreign affairs the arguments upon which each of the litigant parties depends in support of the interpretation given by it to the said article.

After having maturely weighed the observations exhibited on both sides:

Considering that the American Plenipotentiary and the Plenipotentiary of Britain have desired that the discussion should be closed;

Considering that the former, in his note of the 4th (16th) November, 1821, and the latter, in his note of the 8th (20th) October, of the same year, have declared that it is *upon the construction of the text of the article as it stands*, that the Arbitrator's decision should be founded, and that both have appealed, only as subsidiary means, to the general principles of the law of nations and of maritime law;

The Emperor is of opinion "that the question can only be decided according to the literal and grammatical sense of the first article of the treaty of Ghent."

As to the literal and grammatical sense of the first article of the treaty of Ghent:

Considering that the period upon the signification of which doubts have arisen, is expressed as follows:

"All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property *originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty*, or any slaves, or other private property; and all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong."

Considering that, in this period, the words *originally captured, and which shall remain therein upon the exchange of the ratifications*, form an incidental phrase, which can have respect, *grammatically*, only to the substantives or subjects which precede;

That the first article of the treaty of Ghent thus prohibits the contracting parties from carrying away from the places of which it stipulates the restitution, only the public property *which might have been originally captured there, and which should remain therein upon the exchange of the ratifications*, but that it prohibits the carrying away from these same places *any private property* whatever;

That, on the other hand, these two prohibitions are solely applicable to the places of which the article stipulates the restitution;

The Emperor is of opinion:

"That the United States of America are entitled to a just indemnification, from Great Britain, for all private property carried away by the British forces; and as the question regards slaves more especially, for all such slaves as were carried away by the British forces, from the places and territories of which the restitution was stipulated by the treaty, in quitting the said places and territories;

"That the United States are entitled to consider, as having been so carried away, all such slaves as may have been transported from the above-mentioned territories on board of the British vessels within the waters of the said territories, and who, for this reason, have not been restored;

"But that, if there should be any American slaves who were carried away from territories of which the first article of the treaty of Ghent has not stipulated the restitution to the United States, the United States are not to claim an indemnification for the said slaves."

The Emperor declares, besides, that he is ready to exercise the office of mediator, which has been conferred on him beforehand by the two States, in the negotiations which must ensue between them in consequence of the award which they have demanded.

Done at St. Petersburg 22d April, 1822.

B.

Count Nesselrode to Mr. Middleton.

[Translation.]

The undersigned, Secretary of State, directing the Imperial Administration of Foreign Affairs, has, without delay, laid before the Emperor, his master, the explanations into which the Ambassador of His Britannic Majesty has entered with the Imperial Ministry, in consequence of the preceding confidential communication which was made to Mr. Middleton, as well as to Sir Charles Bagot, of the opinion expressed by the Emperor upon the true sense of the 1st article of the treaty of Ghent.

Sir Charles Bagot understands that, in virtue of the decision of His Imperial Majesty, "His Britannic Majesty is not bound to indemnify the United States for any slaves who, coming from places which have never been occupied by his troops, voluntarily joined the British forces, either in consequence of the encouragement which His Majesty's officers had offered them, or to free themselves from the power of their master—these slaves not having been carried away from places or territories captured by His Britannic Majesty during the war, and, consequently, not having been carried away from places of which the article stipulates the restitution."

In answer to this observation, the undersigned is charged by His Imperial Majesty to communicate what follows to the Minister of the United States of America:

The Emperor having, by the mutual consent of the two Plenipotentiaries, given an opinion founded solely upon the sense which results *from the text of the article* in dispute, does not think himself called upon to decide here any question relative to what the laws of war permit or forbid to the belligerents; but, always faithful to the grammatical interpretation of the 1st article of the treaty of Ghent, His Imperial Majesty declares, a second time, that it appears to him according to this interpretation:

"That, in quitting the places and territories of which the treaty of Ghent stipulates the restitution to the United States, His Britannic Majesty's forces had no right to carry away from these same places and territories, absolutely, any slave, by whatever means he had fallen or come into their power.

"But that if, during the war, American slaves had been carried away by the English forces, from other places than those of which the treaty of Ghent stipulates the restitution, upon the territory, or on board British vessels, Great Britain should not be bound to indemnify the United States for the loss of these slaves, by whatever means they might have fallen or come into the power of her officers."

Although convinced, by the previous explanations above mentioned, that such is also the sense which Sir Charles Bagot attaches to his observation, the undersigned has nevertheless received from His Imperial Majesty orders to address the present note to the respective Plenipotentiaries, which will prove to them, that, in order the better to justify the confidence of the two Governments, the Emperor has been unwilling that the slightest doubt should arise regarding the consequences of his opinion.

The undersigned eagerly embraces this occasion of repeating to Mr. Middleton the assurance of his most distinguished consideration.

NESSELRODE.

St. Petersburg, 22d April, 1822.

1826.

CONVENTION RELATIVE TO INDEMNITY UNDER CONVENTION OF JULY 12, 1822.

Concluded November 13, 1826; *Ratifications exchanged at London February* 6, 1827; *Proclaimed March* 19, 1827.

Difficulties having arisen in the execution of the convention concluded at St. Petersburgh on the twelfth day of July, 1822, under the mediation of His Majesty the Emperor of all the Russias, between the United

States of America and Great Britain, for the purpose of carrying into effect the decision of His Imperial Majesty upon the differences which had arisen between the said United States and Great Britain on the true construction and meaning of the first article of the treaty of peace and amity concluded at Ghent on the twenty-fourth day of December, 1814: The said United States and his Britannick Majesty, being equally desirous to obviate such difficulties, have respectfully named Plenipotentiaries to treat and agree respecting the same, that is to say:

The President of the United States of America has appointed Albert Gallatin their Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty; and His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable William Huskisson, a member of his said Majesty's Most Honourable Privy Council, a member of Parliament, President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations, and Treasurer of his said Majesty's Navy, and Henry Unwin Addington, Esquire, late His Majesty's Chargé d'Affaires to the United States of America; Negotiators.

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

Article I.

His Majesty the King of the United Kingdom of Great Britain and Ireland agrees to pay, and the United States of America agree to receive, for the use of the persons entitled to indemnification and compensation by virtue of the said decision and convention, the sum of twelve hundred and four thousand nine hundred and sixty dollars, current money of the United States, in lieu of, and in full and complete satisfaction for, all sums claimed or claimable from Great Britain, by any person or persons whatsoever, under the said decision and convention. Sum to be paid by Great Britain.

Article II.

The object of the said convention being thus fulfilled, that convention is hereby declared to be cancelled and annulled, save and except the second article of the same, which has already been carried into execution by the Commissioners appointed under the said convention;—and save and except so much of the third article of the same as relates to the definitive list of claims and has already likewise been carried into execution by the said Commissioners. Convention annulled.

Article III.

The said sum of twelve hundred and four thousand nine hundred and sixty dollars shall be paid at Washington to such person or persons as shall be duly authorized, on the part of the United States, to receive the same, in two equal payments as follows: When and where payable.

The payment of the first half to be made twenty days after official notification shall have been made by the Government of the United States to His Britannick Majesty's Minister in the said United States of the ratification of the present convention by the President of the United States, by and with the advice and consent of the Senate thereof.

And the payment of the second half to be made on the first day of August, 1827.

ARTICLE IV.

The above sums being taken as a full and final liquidation of all claims whatsoever arising under the said decision and convention, both the final adjustment of those claims, and the distribution of the sums so paid by Great Britain to the United States, shall be made in such manner as the United States alone shall determine; and the Government of Great Britain shall have no further concern or liability therein.

The sums to be in full of all claims under the convention.

ARTICLE V.

It is agreed that from the date of the exchange of the ratifications of the present convention, the joint commission appointed under the said convention of St. Petersburgh, of the twelfth of July, 1822, shall be dissolved; and upon the dissolution thereof, all the documents and papers in possession of the said commission, relating to claims under that convention, shall be delivered over to such person or persons as shall be duly authorized on the part of the United States to receive the same. And the British Commissioner shall make over to such person or persons, so authorized, all the documents and papers (or authenticated copies of the same, where the originals cannot conveniently be made over) relating to claims under the said convention, which he may have received from his Government for the use of the said commission, conformably to the stipulations contained in the third article of the said convention.

Papers of the commission.

ARTICLE VI.

The present convention shall be ratified, and the ratifications shall be exchanged in London, in six months from this date, or sooner if possible.

Ratifications.

In witness whereof the Plenipotentiaries aforesaid, by virtue of their respective full powers, have signed the same, and have affixed thereunto the seals of their arms.

Done at London this thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty-six.

[SEAL.] ALBERT GALLATIN.
[SEAL.] WILLIAM HUSKISSON.
[SEAL.] HENRY UNWIN ADDINGTON.

1827.

CONVENTION RELATIVE TO TERRITORY ON NORTHWEST COAST WEST OF THE ROCKY MOUNTAINS, CONTINUING IN FORCE THE THIRD ARTICLE OF THE CONVENTION OF OCTOBER 20, 1818.

Concluded August 6, 1827; *ratifications exchanged at London April* 2, 1828; *proclaimed May* 15, 1828.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, being equally desirous to prevent, as far as possible, all hazard of misunderstanding between the two nations, with respect to the territory on the northwest coast of

America, west of the Stoney or Rocky Mountains, after the expiration of the third article of the convention concluded between them on the twentieth of October, 1818; and also with a view to give further time for maturing measures which shall have for their object a more definite settlement of the claims of each party to the said territory, have respectively named their Plenipotentiaries to treat and agree concerning a temporary renewal of the said article, that is to say:

The President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty; and His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Grant, a member of his said Majesty's Most Honourable Privy Council, a member of Parliament, and Vice-President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations; and Henry Unwin Addington, Esquire: Negotiators.

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

All the provisions of the third article of the convention concluded between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland on the twentieth of October, 1818, shall be, and they are hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited. Third article of convention of 20th October, 1818.

ARTICLE II.

It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the twentieth of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention: and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice. Convention may be annulled.

ARTICLE III.

Nothing contained in this convention, or in the third article of the convention of the twentieth of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stoney or Rocky Mountains. Certain claims not to be affected by this treaty.

ARTICLE IV.

The present convention shall be ratified, and the ratifications shall be exchanged in nine months, or sooner if possible. Ratifications.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven.

[SEAL.] ALBERT GALLATIN.
[SEAL.] CHA. GRANT.
[SEAL.] HENRY UNWIN ADDINGTON.

1827.

CONVENTION CONTINUING IN FORCE FOR TEN YEARS THE CONVENTION REGULATING COMMERCE OF JULY 3, 1815.

Concluded August 6, 1827; ratifications exchanged at London April 2, 1828; proclaimed May 15, 1828.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, being desirous of continuing in force the existing commercial regulations between the two countries, which are contained in the convention concluded between them on the third of July, 1815, and further renewed by the fourth article of the convention of the twentieth of October, 1818, have, for that purpose, named their respective Plenipotentiaries, that is to say:

The President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to his Britannick Majesty; and His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Grant, a member of His said Majesty's Most Honourable Privy Council, a member of Parliament, and Vice-President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations; and Henry Unwin Addington, Esquire;

Negotiators.

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

All the provisions of the convention concluded between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, on the third of July, 1815, and further continued for the term of ten years by the fourth article of the convention of the twentieth of October, 1818, with the exception therein contained as to St. Helena, are hereby further indefinitely, and without the said exception, extended and continued in force, from the date of the expiration of the said ten years, in the same manner as if all the provisions of the said convention of the third of July, 1815, were herein specifically recited.

Provisions of convention of July 3, 1815, continued in force.

ARTICLE II.

It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the expiration of the said ten years, that is, after the twentieth of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

Convention may be annulled.

ARTICLE III.

The present convention shall be ratified, and the ratifications shall be exchanged in nine months, or sooner if possible.

Ratifications.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven.

[SEAL.] ALBERT GALLATIN.
[SEAL.] CHA. GRANT.
[SEAL.] HENRY UNWIN ADDINGTON.

1827.*

CONVENTION PROVIDING FOR THE SUBMISSION TO ARBITRATION THE DISPUTE CONCERNING THE NORTHEASTERN BOUNDARY.

Concluded September 29, 1827; *ratifications exchanged at London April* 2, 1828; *proclaimed May* 15, 1828.

Whereas it is provided by the fifth article of the treaty of Ghent, that, in case the Commissioners appointed under that article, for the settlement of the boundary line therein described, should not be able to agree upon such boundary line, the report or reports of those Commissioners, stating the points on which they had differed, should be submitted to some friendly Sovereign or State, and that the decision given by such Sovereign or State, on such points of difference, should be considered by the contracting parties as final and conclusive: That case having now arisen, and it having, therefore, become expedient to proceed to and regulate the reference as above described, the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland have, for that purpose, named their Plenipotentiaries, that is to say:

The President of the United States has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannick Majesty; and His said Majesty, on his part, has appointed the Right Honourable Charles Grant, a member of Parliament, a member of His said Majesty's Most Honourable Privy Council, and President of the Committee of the Privy Council for Affairs of Trade and Foreign Plantations, and Henry Unwin Addington, Esquire; Negotiators.

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

It is agreed that the points of difference which have arisen in the settlement of the boundary between the American and British dominions, as described in the 5th article of the treaty of Ghent, shall be referred, as therein provided, to some friendly Sovereign or State, who shall be invited to investigate, and make a decision upon, such points of difference. Reference of differences.

The two contracting Powers engage to proceed in concert, to the choice of such friendly Sovereign or State, as soon as the ratifications of this convention shall have been exchanged, and to use their best endeavours to obtain a decision, if practicable, within two years after the Arbiter shall have signified his consent to act as such.

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* See Notes: "Abrogated, suspended, or obsolete treaties."

Article II.

Statement of the respective cases.

The reports and documents, thereunto annexed, of the Commissioners appointed to carry into execution the 5th article of the treaty of Ghent, being so voluminous and complicated as to render it improbable that any Sovereign or State should be willing or able to undertake the office of investigating and arbitrating upon them, it is hereby agreed to substitute, for those reports, new and separate statements of the respective cases, severally drawn up by each of the contracting parties, in such form and terms as each may think fit.

The said statements, when prepared, shall be mutually communicated to each other by the contracting parties, that is to say, by the United States to His Britannick Majesty's Minister or Chargé d'Affaires at Washington, and by Great Britain to the Minister or Chargé d'Affaires of the United States at London, within fifteen months after the exchange of the ratifications of the present convention.

After such communication shall have taken place, each party shall have the power of drawing up a second and definitive statement, if it thinks fit so to do, in reply to the statement of the other party, so communicated, which definitive statements shall also be mutually communicated, in the same manner as aforesaid, to each other, by the contracting parties, within twenty-one months after the exchange of ratifications of the present convention.

Article III.

Evidence intended to be offered.

Each of the contracting parties shall, within nine months after the exchange of ratifications of this convention, communicate to the other, in the same manner as aforesaid, all the evidence intended to be brought in support of its claim, beyond that which is contained in the reports of the Commissioners, or papers thereunto annexed, and other written documents laid before the Commission, under the 5th article of the treaty of Ghent.

Each of the contracting parties shall be bound, on the application of the other party, made within six months after the exchange of the ratifications of this convention, to give authentick copies of such individually specified acts of a publick nature, relating to the territory in question, intended to be laid as evidence before the Arbiter, as have been issued under the authority, or are in the exclusive possession, of each party.

No maps, surveys, or topographical evidence of any description, shall be adduced by either party, beyond that which is hereinafter stipulated, nor shall any fresh evidence of any description be adduced or adverted to, by either party, other than that mutually communicated or applied for as aforesaid.

Each party shall have full power to incorporate in, or annex to, either its first or second statement, any portion of the reports of the Commissioners, or papers thereunto annexed, and other written documents laid before the Commission under the 5th article of the treaty of Ghent, or of the other evidence mutually communicated or applied for as above provided, which it may think fit.

Article IV.

Maps.

The map called Mitchell's map, by which the framers of the treaty of 1783 are acknowledged to have regulated their joint and official proceedings, and the map A, which has been agreed on by the contracting parties, as a delineation of the water-courses, and

of the boundary lines in reference to the said water-courses, as contended for by each party respectively, and which has accordingly been signed by the above-named Plenipotentiaries, at the same time with this convention, shall be annexed to the statements of the contracting parties, and be the only maps that shall be considered as evidence, mutually acknowledged by the contracting parties, of the topography of the country.

It shall, however, be lawful for either party to annex to its respective first statement, for the purposes of general illustration, any of the maps, surveys, or topographical delineations, which were filed by the Commissioners under the 5th article of the treaty of Ghent, any engraved may heretofore published, and also a transcript of the above-mentioned map A, or of a section thereof, in which transcript each party may lay down the highlands, or other features of the country, as it shall think fit; the water courses and the boundary lines, as claimed by each party, remaining as laid down in the said map A.

But this transcript, as well as all the other maps, surveys, or topographical delineations, other than the map A, and Mitchell's map, intended to be thus annexed, by either party, to the respective statements, shall be communicated to the other party, in the same manner as aforesaid, within nine months after the exchange of the ratifications of this convention, and shall be subject to such objections and observations as the other contracting party may deem it expedient to make thereto, and shall annex to his first statement, either in the margin of such transcript, map or maps, or otherwise.

ARTICLE V.

All the statements, papers, maps, and documents, above mentioned, and which shall have been mutually communicated as aforesaid, shall, without any addition, subtraction, or alteration, whatsoever, be jointly and simultaneously delivered in to the arbitrating Sovereign or State within two years after the exchange of ratifications of this convention, unless the Arbiter should not, within that time, have consented to act as such; in which case all the said statements, papers, maps, and documents shall be laid before him within six months after the time when he shall have consented so to act. No other statements, papers, maps, or documents shall ever be laid before the Arbiter, except as hereinafter provided.

Delivery of statements to Arbiter

ARTICLE VI.

In order to facilitate the attainment of a just and sound decision on the part of the Arbiter, it is agreed that, in case the said Arbiter should desire further elucidation or evidence in regard to any specifick point contained in any of the said statements submitted to him, the requisition for such elucidation or evidence shall be simultaneously made to both parties, who shall thereupon be permitted to bring further evidence, if required, and to make, each, a written reply to the specifick questions submitted by the said Arbiter, but no further; and such evidence and replies shall be immediately communicated by each party to the other.

Method of furnishing Arbiter with further evidence, at his request.

And in case the Arbiter should find the topographical evidence, laid as aforesaid before him, insufficient for the purposes of a sound and just decision, he shall have the power of ordering additional surveys to be made of any portions of the disputed boundary line or territory, as he

may think fit; which surveys shall be made at the joint expense of the contracting parties, and be considered as conclusive by them.

ARTICLE VII.

Decision of the Arbiter.

The decision of the Arbiter, when given, shall be taken as final and conclusive; and it shall be carried, without reserve, into immediate effect, by Commissioners appointed for that purpose by the contracting parties.

ARTICLE VIII.

Ratifications.

This convention shall be ratified, and the ratifications shall be exchanged in nine months from the date hereof, or sooner if possible.

In witness whereof, we, the respective Plenipotentiaries, have signed the same, and have affixed thereto the seals of our arms.

Done at London the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and twenty-seven.

[SEAL.] ALBERT GALLATIN.
[SEAL.] CHA. GRANT.
[SEAL.] HENRY UNWIN ADDINGTON.

1842.

TREATY TO SETTLE AND DEFINE BOUNDARIES; FOR THE FINAL SUPPRESSION OF THE AFRICAN SLAVE-TRADE; AND FOR THE GIVING UP OF CRIMINALS FUGITIVE FROM JUSTICE.

Concluded August 9, 1842; *ratifications exchanged at London October* 13, 1842; *proclaimed November* 10, 1842.

Whereas certain portions of the line of boundary between the United States of America and the British dominions in North America, described in the second article of the treaty of peace of 1783, have not yet been ascertained and determined, notwithstanding the repeated attempts which have been heretofore made for that purpose; and whereas it is now thought to be for the interest of both parties, that, avoiding further discussion of their respective rights, arising in this respect under the said treaty, they should agree on a conventional line in said portions of the said boundary, such as may be convenient to both parties, with such equivalents and compensations as are deemed just and reasonable; and whereas, by the treaty concluded at Ghent on the 24th day of December, 1814, between the United States and His Britannic Majesty, an article was agreed to and inserted of the following tenor, vizt: "Art. 10. Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice; and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object;" and whereas, notwithstanding the laws which have at various times been passed by the two Governments, and the efforts made to suppress it, that criminal traffic is still prosecuted and carried on; and whereas the

United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland are determined that, so far as may be in their power, it shall be effectually abolished; and whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the two parties respectively, that persons committing the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up: The United States of America and Her Britannic Majesty, having resolved to treat on these several subjects, have for that purpose appointed their respective Plenipotentiaries to negotiate and conclude a treaty, that is to say:

The President of the United States has, on his part, furnished with full powers Daniel Webster, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honorable Alexander Lord Ashburton, a peer of the said United Kingdom, a member of Her Majesty's Most Honorable Privy Council, and Her Majesty's Minister Plenipotentiary on a special mission to the United States; Negotiators.

Who, after a reciprocal communication of their respective full powers, have agreed to and signed the following articles:

ARTICLE I.

It is hereby agreed and declared that the line of boundary shall be as follows: Beginning at the monument at the source of the river St. Croix as designated and agreed to by the Commissioners under the fifth article of the treaty of 1794, between the Governments of the United States and Great Britain; thence, north, following the exploring line run and marked by the surveyors of the two Governments in the years 1817 and 1818, under the fifth article of the treaty of Ghent, to its intersection with the river St. John, and to the middle of the channel thereof; thence, up the middle of the main channel of the said river St. John, to the mouth of the river St. Francis; thence, up the middle of the channel of the said river St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence, southwesterly, in a straight line, to a point on the northwest branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river Saint Lawrence from those which fall into the river Saint John, then the said point shall be made to recede down the said northwest branch of the river St. John, to a point seven miles in a straight line from the said summit or crest; thence, in a straight line, in a course about south, eight degrees west, to the point where the parallel of latitude of 46° 25′ north intersects the southwest branch of the St. John's; thence, southerly, by the said branch, to the source thereof in the highlands at the Metjarmette portage; thence, down along the said highlands which divide the waters which empty themselves into the river Saint Lawrence from those which fall into the Atlantic Ocean, to the head of Hall's Stream; thence, down the middle of said stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins, previously to the year 1774, as the 45th degree of north latitude, and which has been known and understood to be the line of Boundary line between United States and the British possessions.

actual division between the States of New York and Vermont on one side, and the British province of Canada on the other; and from said point of intersection, west, along the said dividing line, as heretofore known and understood, to the Iroquois or St. Lawrence River.

ARTICLE II.

Description of the boundary line.

It is moreover agreed, that from the place where the joint Commissioners terminated their labors under the sixth article of the treaty of Ghent, to wit, at a point in the Neebish Channel, near Muddy Lake, the line shall run into and along the ship-channel between Saint Joseph and St. Tammany Islands, to the division of the channel at or near the head of St. Joseph's Island; thence, turning eastwardly and northwardly around the lower end of St. George's or Sugar Island, and following the middle of the channel which divides St. Georges's from St. Joseph's Island; thence up the east Neebish Channel, nearest to St. George's Island, through the middle of Lake George; thence, west of Jonas' Island, into St. Mary's River, to a point in the middle of that river, about one mile above St. George's or Sugar Island, so as to appropriate and assign the said island to the United States; thence, adopting the line traced on the maps by the Commissioners, thro' the river St. Mary and Lake Superior, to a point north of Ile Royale, in said lake, one hundred yards to the north and east of Ile Chapeau, which last-mentioned island lies near the northeastern point of Ile Royale, where the line marked by the Commissioners terminates; and from the last-mentioned point, southwesterly, through the middle of the sound between Ile Royale and the northwestern main land, to the mouth of Pigeon River, and up the said river, to and through the north and south Fowl Lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence, along the water communication to Lake Saisaginaga, and through that lake; thence, to and through Cypress Lake, Lac du Bois Blanc, Lac la Croix, Little Vermillion Lake, and Lake Namecan and through the several smaller lakes, straits, or streams, connecting the lakes here mentioned, to that point in Lac la Pluie, or Rainy Lake, at the Chaudière Falls, from which the Commissioners traced the line to the most northwestern point of the Lake of the Woods; thence, along the said line, to the said most northwestern point, being in latitude 49° 23′ 55″ north, and in longitude 95° 14′ 38″ west from the observatory at Greenwich; thence, according to existing treaties, due south to its intersection with the 49th parallel of north latitude, and along that parallel to the Rocky Mountains. It being understood that all the water communications and all the usual portages along the line from Lake Superior to the Lake of the Woods, and also Grand Portage, from the shore of Lake Superior to the Pigeon River, as now actually used, shall be free and open to the use of the citizens and subjects of both countries.

ARTICLE III.

Navigation of the river St. John.

In order to promote the interests and encourage the industry of all the inhabitants of the countries watered by the river St. John and its tributaries, whether living within the State of Maine or the province of New Brunswick, it is agreed that, where, by the provisions of the present treaty, the river St. John is declared to be the line of boundary, the navigation of the said river shall be free and open to both parties, and shall in no way be obstructed by either; that

all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture, not being manufactured, grown on any of those parts of the State of Maine watered by the river St. John, or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries, having their source within the State of Maine, to and from the sea-port at the mouth of the said river St. John's, and to and round the falls of the said river, either by boats, rafts, or other conveyance; that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province; that, in like manner, the inhabitants of the territory of the upper St. John, determined by this treaty to belong to Her Britannic Majesty, shall have free access to and through the river, for their produce, in those parts where the said river runs wholly through the State of Maine: Provided, always, that this agreement shall give no right to either party to interfere with any regulations not inconsistent with the terms of this treaty which the governments, respectively, of Maine or of New Brunswick may make respecting the navigation of the said river, where both banks thereof shall belong to the same party. Proviso.

ARTICLE IV.

All grants of land heretofore made by either party, within the limits of the territory which by this treaty falls within the dominions of the other party, shall be held valid, ratified, and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this treaty fallen within the dominions of the party by whom such grants were made; and all equitable possessory claims, arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this treaty, shall, in like manner, be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land, so described as best to include the improvements made thereon; and in all other respects the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them, respectively, which has heretofore been in dispute between them. Grants of land within the territory.

ARTICLE V.

Whereas in the course of the controversy respecting the disputed territory on the northeastern boundary, some moneys have been received by the authorities of Her Britannic Majesty's province of New Brunswick, with the intention of preventing depredations on the forests of the said territory, which moneys were to be carried to a fund called the "disputed territory fund," the proceeds whereof it was agreed should be hereafter paid over to the parties interested, in the proportions to be determined by a final settlement of boundaries, it is hereby agreed that a correct account of all receipts and payments on the said fund shall be delivered to the Government of the United States within six months after the ratification of this treaty; and the proportion of the amount due thereon to the States of Maine and Massachusetts, and any bonds or securities appertaining thereto shall be paid and delivered over to the Government of the United States; and the Government of the United States agrees to receive for the use Distribution of the "disputed territory fund."

of, and pay over to, the States of Maine and Massachusetts, their respective portions of said fund, and further, to pay and satisfy said States, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed territory and making a survey thereof in 1838; the Government of the United States agreeing with the States of Maine and Massachusetts to pay them the further sum of three hundred thousand dollars, in equal moieties, on account of their assent to the line of boundary described in this treaty, and in consideration of the conditions and equivalents received therefor from the Government of Her Britannic Majesty.

ARTICLE VI.

Commissioners to mark the line between the St. Croix and St. Lawrence Rivers.

It is furthermore understood and agreed that, for the purpose of running and tracing those parts of the line between the source of the St. Croix and the St. Lawrence River which will require to be run and ascertained, and for marking the residue of said line by proper monuments on the land, two Commissioners shall be appointed, one by the President of the United States, by and with the advice and consent of the Senate thereof, and one by Her Britannic Majesty; and the said Commissioners shall meet at Bangor, in the State of Maine, on the first day of May next, or as soon thereafter as may be, and shall proceed to mark the line above described, from the source of the St. Croix to the river St. John; and shall trace on proper maps the dividing-line along said river and along the river St. Francis to the outlet of the Lake Pohenagamook; and from the outlet of the said lake they shall ascertain, fix, and mark, by proper and durable monuments on the land, the line described in the first article of this treaty; and the said Commissioners shall make to each of their respective Governments a joint report or declaration, under their hands and seals, designating such line of boundary, and shall accompany such report or declaration with maps, certified by them to be true maps of the new boundary.

ARTICLE VII.

Certain waters open to both parties.

It is further agreed that the channels in the river St. Lawrence on both sides of the Long Sault Islands and of Barnhart Island, the channels in the river Detroit on both sides of the island Bois Blanc, and between that island and both the American and Canadian shores, and all the several channels and passages between the various islands lying near the junction of the river St. Clair with the lake of that name, shall be equally free and open to the ships, vessels, and boats of both parties.

ARTICLE VIII.

Suppression of the slave-trade.

The parties mutually stipulate that each shall prepare, equip, and maintain in service on the coast of Africa a sufficient and adequate squadron or naval force of vessels of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights, and obligations of each of the two countries for the suppression of the slave-trade, the said squadrons to be independent of each other, but the two Governments stipulating, nevertheless, to give such orders to the officers commanding their respective forces as shall enable them most effectually to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article, copies of

all such orders to be communicated by each Government to the other, respectively.

ARTICLE IX.

Remonstrances with other Powers within whose dominions a market for slaves is found.

Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the slave-trade, the facilities for carrying on that traffic and avoiding the vigilance of cruisers, by the fraudulent use of flags and other means, are so great, and the temptations for pursuing it, while a market can be found for slaves, so strong, as that the desired result may be long delayed unless all markets be shut against the purchase of African negroes, the parties to this treaty agree that they will unite in all becoming representations and remonstrances with any and all Powers within whose dominions such markets are allowed to exist, and that they will urge upon all such Powers the propriety and duty of closing such markets effectually, at once and forever.

ARTICLE X.

Extradition of criminals.

It is agreed that the United States and Her Britannic Majesty shall, upon mutual requisitions by them, or their Ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum or shall be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE XI.

Duration of the treaty.

The eighth article of this treaty shall be in force for five years from the date of the exchange of the ratifications, and afterwards until one or the other party shall signify a wish to terminate it. The tenth article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

ARTICLE XII.

Ratifications.

The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in London, within six months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Washington, the ninth day of August, anno Domini one thousand eight hundred and forty-two.

[SEAL.] DANL. WEBSTER.
[SEAL.] ASHBURTON.

1846.

TREATY IN REGARD TO LIMITS WESTWARD OF THE ROCKY MOUNTAINS.

Concluded June 15, 1846; *ratifications exchanged at London July* 17, 1846; *proclaimed August* 5, 1846.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable for the future welfare of both countries that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the northwest coast of America, lying westward of the Rocky or Stony Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named Plenipotentiaries to treat and agree concerning the terms of such settlement, that is to say:

Negotiators.

The President of the United States of America has, on his part, furnished with full powers James Buchanan, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honorable Richard Pakenham, a member of Her Majesty's Most Honorable Privy Council, and Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Boundary line west of Rocky Mountains.

From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island; and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific Ocean: Provided, however, that the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties.

Navigation between Vancouver's Island and the continent, and of Fuca's Straits.

ARTICLE II.

Navigation of part of Columbia River.

From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia River, the navigation of the said branch of the free and open to the Hudson's Bay Company, and to all British subjects

trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers, it being understood that all the usual portages along the line thus described shall, in like manner, be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this article shall be construed as preventing, or intended to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers not inconsistent with the present treaty.

Regulations for navigation of said river.

ARTICLE III.

In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

Possessory rights of all British subjects.

ARTICLE IV.

The farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, shall be confirmed to the said company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said Government, at a proper valuation, to be agreed upon between the parties.

Farms belonging to Puget's Sound Agricultural Company.

ARTICLE V.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at London, at the expiration of six months from the date hereof, or sooner if possible.

Ratifications.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington the fifteenth day of June, in the year of our Lord one thousand eight hundred and forty-six.

[SEAL.] JAMES BUCHANAN.
[SEAL.] RICHARD PAKENHAM.

1870.

DECLARATION APPROVING AND ADOPTING THE MAPS PREPARED BY THE JOINT COMMISSION OF THE NORTHWEST BOUNDARY FOR SURVEYING AND MARKING THE BOUNDARIES BETWEEN THE BRITISH POSSESSIONS AND THE UNITED STATES ALONG THE 49TH PARALLEL OF NORTH LATITUDE, UNDER THE FIRST ARTICLE OF THE TREATY OF 15TH JUNE, 1846.

Signed at Washington February 24th, 1870.

Negotiators.

The undersigned Hamilton Fish, Secretary of State of the United States, and Edward Thornton, Esquire, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, duly authorized by their respective Governments, having met together:

The set of maps, seven in number, which have been prepared by the Commissioners appointed by the two Powers to survey and mark out the Boundary between their respective Territories under the first article of the Treaty concluded between them at Washington on the 15th of June, 1846, having been produced;

And it appearing that they do correctly indicate the said Boundary from the point where the Boundary laid down in Treaties and Conventions prior to June 15th, 1846, terminates Westward on the 49th Parallel of North Latitude to the Eastern shore of the Gulf of Georgia, which Boundary has been defined by the Commissioners by marks upon the ground;

Boundary maps approved and adopted.

The undersigned, without prejudice to the rights of their respective Governments as to the settlement and the determination of the remainder of the said Boundary, hereby declare that the said maps certified and authenticated under the signatures of Archibald Campbell, Esquire, the Commissioner of the United States, and of Colonel John Summerfield Hawkins, Her Britannic Majesty's Commissioner, and of which duplicate copies similarly certified and authenticated are in the possession of the Government of Her Britannic Majesty have been duly examined and considered, and, as well as the marks by which the Boundary to the Eastern shore of the Gulf of Georgia has been defined upon the ground, are approved, agreed to, and adopted by both Governments.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their respective seals.

Done at Washington the twenty forth day of February, in the year of our Lord, one thousand eight hundred and seventy.

[SEAL.] HAMILTON FISH
[SEAL.] EDWD. THORNTON

1850.

CONVENTION RELATIVE TO A SHIP CANAL BY WAY OF NICARAGUA, COSTA RICA, THE MOSQUITO COAST, OR ANY PART OF CENTRAL AMERICA.

Concluded April 19, 1850; *ratifications exchanged at Washington July* 4, 1850; *proclaimed July* 5, 1850.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them by setting forth and fixing in a convention their views

and intentions with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific Oceans by the way of the river San Juan de Nicaragua, and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Honourable Sir Henry Lytton Bulwer, a member of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said Plenipotentiaries, having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

Negotiators.

ARTICLE I.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess, with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

Control over the proposed canal.

ARTICLE II.

Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

Privileges of vessels traversing the canal.

ARTICLE III.

In order to secure the construction of the said canal, the contracting parties engage that, if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used or to be used for that object, shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

Property of the parties engaged in constructing the canal.

ARTICLE IV.

Construction of the work to be facilitated.

The contracting parties will use whatever influence they respectively exercise with any State, States, or Governments possessing, or claiming to possess, any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power; and, furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

Free ports.

ARTICLE V.

Neutrality of canal.

The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

ARTICLE VI.

The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass, between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of

Treaty stipulations to be made with Central American States.

Differences as to right over territory.

the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

ARTICLE VII.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship-canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall, moreover, have made preparations and expended time, money, and trouble on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprize, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

Contract to be entered into without delay.

Priority of claim of contractors already at work.

ARTICLE VIII.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

Protection to be extended by treaty stipulations to other communications.

Canal open to citizens of other nations.

ARTICLE IX.

Ratifications.

The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done at Washington the nineteenth day of April, anno Domini one thousand eight hundred and fifty.

[SEAL.] JOHN M. CLAYTON.
[SEAL.] HENRY LYTTON BULWER.

1850.

PROTOCOL OF A CONFERENCE HELD AT THE FOREIGN OFFICE, DECEMBER 9, 1850, CEDING HORSE-SHOE REEF TO THE UNITED STATES.

Negotiators.

Abbott Lawrence, Esquire, the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the court of Her Britannic Majesty, and Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, having met together at the foreign office:

Mr. Lawrence stated that he was instructed by his Government to call the attention of the British Government to the dangers to which the important commerce of the great Lakes of the Interior of America, and more particularly that concentrating at the town of Buffalo near the entrance of the Niagara River from Lake Erie, and that passing through the Welland Canal, is exposed from the want of a lighthouse near the outlet of Lake Erie. Mr. Lawrence stated that the current of the Niagara River is at that spot very strong, and increases in rapidity as the river approaches the falls; and as that part of the river is necessarily used for the purpose of a harbor, the Congress of the United States, in order to guard against the danger arising from the rapidity of the current, and from other local causes, made an appropriation for the construction of a lighthouse at the outlet of the lake. But on a local survey being made, it was found that the most eligible site for the erection of the lighthouse was a reef known by the name of the "Horse-shoe Reef," which is within the dominions of Her Britannic Majesty; and Mr. Lawrence was therefore instructed by the Government of the United States to ask whether the Government of Her Britannic Majesty will cede to the United States the Horse-shoe Reef, or such part thereof as may be necessary for the purpose of erecting a lighthouse; and if not, whether the British Government will itself erect and maintain a lighthouse on the said Reef.

Cession of "Horse shoe Reef" to the United States by Great Britain for the erection of a lighthouse thereon.

Viscount Palmerston stated to Mr. Lawrence in reply, that Her Majesty's Government concurs in opinion with the Government of the United States, that the proposed lighthouse would be of great advantage to all vessels navigating the Lakes; and that Her Majesty's Government is prepared to advise Her Majesty to cede to the United States such portion of the Horse-shoe Reef as may be found requisite for the intended lighthouse, provided the Government of the United States will engage to erect such lighthouse, and to maintain a light therein; and provided no fortification be erected on the said Reef.

Mr. Lawrence and Viscount Palmerston, on the part of their respective Governments, accordingly agreed that the British Crown should make this cession, and that the United States should accept it, on the above-mentioned conditions.

ABBOTT LAWRENCE.
PALMERSTON.

On the receipt of this Mr. Webster, January 17, 1851, instructed Mr. Lawrence to "address a note to the British Secretary of State for Foreign Affairs, acquainting him that the arrangement referred to is approved by this Government." MS. Department of State. Mr. Lawrence did so on the 10th of the following February.

The acts of Congress making appropriations for the erection of the light-house will be found in 9 St. at L., 380 and 627, and 10 St. at L., 343. It was erected in the year 1856.

1853.

CONVENTION FOR THE SETTLEMENT OF CLAIMS.

Concluded February 8, 1853; *ratifications exchanged at London July* 26, 1853; *proclaimed August* 20, 1853.

Whereas claims have at various times since the signature of the treaty of peace and friendship between the United States of America and Great Britain, concluded at Ghent on the 24th of December, 1814, been made upon the Government of the United States on the part of corporations, companies, and private individuals, subjects of Her Britannic Majesty, and upon the Government of Her Britannic Majesty on the part of corporations, companies, and private individuals, citizens of the United States; and whereas some of such claims are still pending, and remain unsettled: The President of the United States of America, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being of opinion that a speedy and equitable settlement of all such claims will contribute much to the maintenance of the friendly feelings which subsist between the two countries, have resolved to make arrangements for that purpose by means of a Convention, and have named as their Plenipotentiaries to confer and agree thereupon, that is to say:

Negotiators.

The President of the United States of America, Joseph Reed Ingersoll, Envoy Extraordinary and Minister Plenipotentiary of the United States to Her Britannic Majesty; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Russell, (commonly called Lord John Russell,) a member of Her Britannic Majesty's Most Honourable Privy Council, a member of Parliament, and Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I.

Claims to be referred to Commissioners.

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States upon the Government of Her Britannic Majesty, and all claims on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Gov-

ernment of the United States, which may have been presented to either Government for its interposition with the other since the signature of the treaty of peace and friendship concluded between the United States of America and Great Britain, at Ghent, on the 24th of December, 1814, and which yet remained unsettled, as well as any other such claims which may be presented within the time specified in Article III, hereinafter, shall be referred to two Commissioners, to be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, and one by Her Britannic Majesty. In case of the death, absence, or incapacity of either Commissioner, or in the event of either Commissioner omitting or ceasing to act as such, the President of the United States, or Her Britannic Majesty, respectively, shall forthwith name another person to act as Commissioner in the place or stead of the Commissioner originally named.

How appointed.

The Commissioners so named shall meet at London at the earliest convenient period after they shall have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the Governments of the United States and of Her Britannic Majesty, respectively; and such declaration shall be entered on the record of their proceedings.

Place of meeting.

Declaration of the Commissioners.

The Commissioners shall then, and before proceeding to any other business, name some third person to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person; and in each and every case in which the Commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire in that particular case. The person or persons so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act as such Arbitrator or Umpire, another and different person shall be named as aforesaid to act as such Arbitrator or Umpire in the place and stead of the person so originally named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Umpire.

Provision for his not acting.

ARTICLE II.

The Commissioners shall then forthwith conjointly proceed to the investigation of the claims which shall be presented to their notice. They shall investigate and decide upon such claims in such order and in such manner as they may conjointly think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective Governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective Governments, in support of, or in answer to, any claim; and to hear, if required, one person on each side, on behalf of each Government, as counsel or agent for such Government, on each and every separate claim. Should they fail

Investigation of claims.

to agree in opinion upon any individual claim, they shall call to their assistance the Arbitrator or Umpire whom they may have agreed to name, or who may be determined by lot, as the case may be; and such Arbitrator or Umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the Commissioners, shall decide thereupon finally, and without appeal. The decision of the Commissioners, and of the Arbitrator or Umpire, shall be given upon each claim in writing, and shall be signed by them repectively. It shall be competent for each Government to name one person to attend the Commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

Agent.

The President of the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland hereby solemnly and sincerely engage to consider the decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him, respectively, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

Decision final.

It is agreed that no claim arising out of any transaction of a date prior to the 24th of December, 1814, shall be admissible under this convention.

Claims prior to a certain date inadmissible.

Article III.

Every claim shall be presented to the Commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners, or of the Arbitrator or Umpire, in the event of the Commissioners differing in opinion thereupon; and then, and in any such case, the period for presenting the claim may be extended to any time not exceeding three months longer.

Time.

The Commissioners shall be bound to examine and decide upon every claim within one year from the day of their first meeting. It shall be competent for the Commissioners conjointly, or for the Arbitrator or Umpire, if they differ, to decide in each case whether any claim has or has not been duly made, preferred, or laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this convention.

Examination and decision.

Article IV.

All sums of money which may be awarded by the Commissioners, or by the Arbitrator or Umpire, on account of any claim, shall be paid by the one Government to the other, as the case may be, within twelve months after the date of the decision, without interest, and without any deduction, save as specified in Article VI hereinafter.

Payment.

Article V.

The high contracting parties engage to consider the result of the proceedings of this commission as a full, perfect, and final settlement of every claim upon either Government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such

Proceedings of the Commissioners to be a final and full settlement of all claims.

claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

ARTICLE VI.

Record of proceedings.

The Commissioners, and the Arbitrator or Umpire, shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ a clerk, or other persons, to assist them in the transaction of the business which may come before them.

Salary of Commissioners.

Each Government shall pay to its Commissioner an amount of salary not exceeding three thousand dollars, or six hundred and twenty pounds sterling, a year, which amount shall be the same for both Governments.

The amount of salary to be paid to the Arbitrator (or Arbitrators, as the case may be) shall be determined by mutual consent at the close of the commission.

Salary of clerk.

The salary of the clerk shall not exceed the sum of fifteen hundred dollars, or three hundred and ten pounds sterling, a year.

Expenses of the commission.

The whole expenses of the commission, including contingent expenses, shall be defrayed by a rateable deduction on the amount of the sums awarded by the commission; provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded.

The deficiency, if any, shall be defrayed in moieties by the two Governments.

ARTICLE VII.

Ratifications.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the eighth day of February, in the year of our Lord one thousand eight hundred and fifty-three.

[SEAL.] J. R. INGERSOLL.
[SEAL.] J. RUSSELL.

1854.*

TREATY EXTENDING THE RIGHT OF FISHING AND REGULATING COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES AND THE BRITISH POSSESSIONS IN NORTH AMERICA.

Concluded June 5, 1854; *ratifications exchanged at Washington September* 9, 1854; *proclaimed September* 11, 1854.

The Government of the United States being equally desirous with Her Majesty the Queen of Great Britain to avoid further misunderstand-

* See Notes: "Abrogated, suspended, or obsolete treaties."

ing between their respective citizens and subjects in regard to the extent of the right of fishing on the coasts of British North America, secured to each by article I of a convention between the United States and Great Britain signed at London on the 20th day of October, 1818; and being also desirous to regulate the commerce and navigation between their respective territories and people, and more especially between Her Majesty's possessions in North America and the United States, in such manner as to render the same reciprocally beneficial and satisfactory, have, respectively, named Plenipotentiaries to confer and agree thereupon, that is to say:

The President of the United States of America, William L. Marcy, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, James, Earl of Elgin and Kincardine, Lord Bruce and Elgin, a peer of the United Kingdom, Knight of the most ancient and most noble Order of the Thistle, and Governor General in and over all Her Britannic Majesty's provinces on the continent of North America, and in and over the island of Prince Edward; Negotiators.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

It is agreed by the high contracting parties that in addition to the liberty secured to the United States fishermen by the above-mentioned convention of October 20, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the sea coasts and shores, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores of those colonies and the islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coast in their occupancy for the same purpose. United States allowed certain privileges in the fisheries.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen. Privilege applicable only to sea fishery.

And it is further agreed that, in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen contained in this article, and that of fishermen of the United States contained in the next succeeding article, apply, each of the high contracting parties, on the application of either to the other, shall, within six months thereafter, appoint a Commissioner. The said Commissioners, before proceeding to any business, shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such places as are intended to be reserved and ex- Commissioners to be appointed to settle disputes.

cluded from the common liberty of fishing under this and the nex succeeding article; and such declaration shall be entered on the record of their proceedings.

Umpire.

The Commissioners shall name some third person to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire in cases of difference or disagreement between the Commissioners. The person so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence or incapacity of either of the Commissioners, or of the Arbitrator or Umpire, or of their or his omitting, declining, or ceasing to act as such Commissioner, Abitrator, or Umpire, another and different person shall be appointed or named as aforesaid to act as such Commissioner, Arbitrator, or Umpire, in the place and stead of the person so originally appointed or named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Duties of Commissioners.

Such Commissioners shall proceed to examine the coasts of the North American provinces and of the United States, embraced within the provisions of the first and second articles of this treaty, and shall designate the places reserved by the said articles from the common right of fishing therein.

Decision.

The decision of the Commissioners and of the Arbitrator or Umpire shall be given in writing in each case, and shall be signed by them respectively.

Such decision final.

The high contracting parties hereby solemnly engage to consider the decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive in each case decided upon by them or him respectively.

ARTICLE II.

Rights of British subjects in American fisheries.

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States the liberty to take fish of every kind, except shell fish, on the eastern sea-coasts and shores of the United States north of the 36th parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coast and shores of the United States and of the said islands without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish: Provided, that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

Rights applicable only to sea fishery.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

Article III.

It is agreed that the articles enumerated in the schedule hereunto annexed, being the growth and produce of the aforesaid British colonies or of the United States, shall be admitted into each country respectively free of duty:

Certain articles to be admitted into the other country free.

Schedule.

Grain, flour, and breadstuffs, of all kinds.
Animals of all kinds.
Fresh, smoked, and salted meats.
Cotton-wool, seeds, and vegetables.
Undried fruits, dried fruits.
Fish of all kinds.
Products of fish, and of all other creatures living in the water.
Poultry, eggs.
Hides, furs, skins, or tails, undressed.
Stone or marble, in its crude or unwrought state.
Slate.
Butter, cheese, tallow..
Lard, horns, manures.
Ores of metals, of all kinds.
Coal.
Pitch, tar, turpentine, ashes.
Timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part.
Firewood.
Plants, shrubs, and trees.
Pelts, wool.
Fish-oil.
Rice, broom-corn, and bark.
Gypsum, ground or unground.
Hewn, or wrought, or unwrought burr or grindstones.
Dyestuffs.
Flax, hemp, and tow, unmanufactured.
Unmanufactured tobacco.
Rags.

Article IV.

It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the River St. Lawrence, and the canals in Canada used as the means of communicating between the great lakes and the Atlantic Ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of Her Britannic Majesty, subject only to the same tolls and other assessments as now are, or may hereafter be, exacted of Her Majesty's said subjects; it being understood, however, that the British Government retains the right of suspending this privilege on giving due notice thereof to the Government of the United States.

Rights of Americans in the St. Lawrence and the Canadian canals.

It is further agreed that if at any time the British Government should exercise the said reserved right, the Government of the United States shall have the right of suspending, if it think fit, the operations of Art. III of the present treaty, in so far as the province of Canada is affected thereby, for so long as the sus-

Article III can be suspended if these rights are reserved.

pension of the free navigation of the River St. Lawrence or the canals may continue.

Rights of British subjects in Lake Michigan.

It is further agreed that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts so long as the privilege of navigating the river St. Lawrence, secured to American citizens by the above clause of the present article, shall continue; and the Government of the United States further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals on terms of equality with the inhabitants of the United States.

Duty on Maine lumber on the St. John.

And it is further agreed that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick.

ARTICLE V.

Conditions on which this treaty shall take effect.

The present treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain and by the Provincial Parliaments of those of the British North American colonies which are affected by this treaty on the one hand, and by the Congress of the United States on the other. Such assent having been given, the treaty shall remain in force for ten years from the date at which it may come into operation, and further until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterwards.

Duration of treaty.

It is clearly understood, however, that this stipulation is not intended to affect the reservation made by article IV of the present treaty, with regard to the right of temporarily suspending the operations of articles III and IV thereof.

ARTICLE VI.

Newfoundland.

And it is hereby further agreed that the provisions and stipulations of the foregoing articles shall extend to the island of Newfoundland, so far as they are applicable to that colony. But if the Imperial Parliament, the Provincial Parliament of Newfoundland, or the Congress of the United States shall not embrace in their laws, enacted for carrying this treaty into effect, the colony of Newfoundland, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair the remaining articles of this treaty.

ARTICLE VII.

Ratifications.

The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in Washington within six months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in triplicate, at Washington, the fifth day of June, anno Domini one thousand eight hundred and fifty-four.

[SEAL.] W. L. MARCY.
[SEAL.] ELGIN & KINCARDINE.

1854.

CONVENTION EXTENDING DURATION OF CLAIMS COMMISSION UNDER THE CONVENTION OF FEBRUARY 8, 1853.

Concluded July 17, 1854; *ratifications exchanged at London August* 18, 1854; *proclaimed September* 11, 1854.

Whereas a convention was concluded on the 8th day of February, 1853, between the United States of America and Her Britannic Majesty, for the settlement of outstanding claims, by a mixed commission, limited to endure for twelve months from the day of the first meeting of the Commissioners; and whereas doubts have arisen as to the practicability of the business of the said commission being concluded within the period assigned, the President of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, are desirous that the time originally fixed for the duration of the commission should be extended, and to this end have named plenipotentiaries to agree upon the best mode of effecting this object, that is to say: The President of the United States, the Honorable William L. Marcy, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John Fiennes Crampton, Esq're, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington; who have agreed as follows: Negotiators.

ARTICLE I.

The high contracting parties agree that the time limited in the convention above referred to for the termination of the commission shall be extended for a period not exceeding four months from the 15th of September next, should such extension be deemed necessary by the Commissioners, or the Umpire in case of their disagreement; it being agreed that nothing contained in this article shall in anywise alter or extend the time originally fixed in the said convention for the presentation of claims to the Commissioners. Time for termination of commission on claims extended.

ARTICLE II.

The present convention shall be ratified, and the ratifications shall be exchanged at London, as soon as possible within four months from the date thereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington the seventeenth day of July, in the year of our Lord one thousand eight hundred and fifty-four.

[SEAL.] W. L. MARCY.
[SEAL.] JOHN F. CRAMPTON.

1862.*

TREATY FOR THE SUPPRESSION OF THE AFRICAN SLAVE TRADE.

Concluded at Washington April 7, 1862; ratifications exchanged at London May 20, 1862; proclaimed June 7, 1862.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to render more effectual the means hitherto adopted for the suppression of the slave trade carried on upon the coast of Africa, have deemed it expedient to conclude a treaty for that purpose, and have named as their Plenipotentiaries, that is to say:

Negotiators.

The President of the United States of America, William H. Seward, Secretary of State, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell, Lord Lyons, a peer of her United Kingdom, a Knight Grand Cross of her most honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Certain war vessels may visit certain merchant vessels reasonably supposed to be engaged in the slave trade.

The two high contracting parties mutually consent that those ships of their respective navies which shall be provided with special instruction for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African slave trade, or of having been fitted out for that purpose; or of having, during the voyage on which they are met by the said cruisers, been engaged in the African slave trade, contrary to the provisions of this treaty; and that such cruisers may detain, and send or carry away, such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

Right of search.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this treaty, and at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the manner and according to the rules following:

First. It shall never be exercised except by vessels of war, authorized expressly for that object, according to the stipulations of this treaty.

Secondly. The right of search shall in no case be exercised with respect to a vessel of the navy of either of the two Powers, but shall be exercised only as regards merchant vessels; and it shall not be exercised by a vessel of war of either contracting party within the limits of a settlement or port, nor within the territorial waters of the other party.

Thirdly. Whenever a merchant vessel is searched by a ship of war, the commander of the said ship shall, in the act of so doing, exhibit to the commander of the merchant vessel the special instructions by which he is duly authorized to search; and shall deliver to such commander a

*Modified by conventions of April 7, 1863, and June 3, 1870. See notes: "Abrogated, suspended, or obsolete treaties."

certificate, signed by himself, stating his rank in the naval service of his country, and the name of the vessel he commands, and also declaring that the only object of the search is to ascertain whether the vessel is employed in the African slave trade, or is fitted up for the said trade. When the search is made by an officer of the cruiser, who is not the commander, such officer shall exhibit to the captain of the merchant vessel a copy of the before-mentioned special instructions, signed by the commander of the cruiser; and he shall in like manner deliver a certificate signed by himself, stating his rank in the navy, the name of the commander by whose orders he proceeds to make the search, that of the cruiser in which he sails, and the object of the search, as above described. If it appears from the search that the papers of the vessel are in regular order, and that it is employed on lawful objects, the officer shall enter in the log-book of the vessel that the search has been made in pursuance of the aforesaid special instructions; and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of lieutenant in the navy, unless the command, either by reason of death or other cause, is at the time held by an officer of inferior rank.

Fourthly. The reciprocal right of search and detention shall be exercised only within the distance of two hundred miles from the coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty leagues from the coast of the island of Cuba.

ARTICLE II.

In order to regulate the mode of carrying the provisions of the preceding article into execution, it is agreed—

First. That all the ships of the navies of the two nations which shall be hereafter employed to prevent the African slave trade shall be furnished by their respective Governments with a copy of the present treaty, of the instructions for cruisers annexed thereto, (marked A,) and of the regulations for the mixed courts of justice annexed thereto, (marked B,) which annexes respectively shall be considered as integral parts of the present treaty.

Ships of war to be furnished with copy of treaty and instructions.

Secondly. That each of the high contracting parties shall, from time to time, communicate to the other the names of the several ships furnished with such instructions, the force of each, and the names of their several commanders. The said commanders shall hold the rank of captain in the navy, or at least that of lieutenant; it being nevertheless understood that the instructions originally issued to an officer holding the rank of lieutenant of the navy, or other superior rank, shall, in case of his death or temporary absence, be sufficient to authorize the officer on whom the command of the vessel has devolved to make the search, although such officer may not hold the aforesaid rank in the service.

Each nation to give the other the names, &c., of war vessels so employed.

Rank of commanders.

Thirdly. That if at any time the commander of a cruiser of either of the two nations shall suspect that any merchant vessel under the escort or convoy of any ship or ships of war of the other nation carries negroes on board, or has been engaged in the African slave trade, or is fitted out for the purpose thereof, the commander of the cruiser shall communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruiser, shall proceed to the search of the suspected vessel; and in case the suspicions appear well founded, according to the tenor of this treaty, then the said vessel shall be conducted or sent to one of the places

Mode of procedure when suspected vessel is under convoy.

where the mixed courts of justice are stationed, in order that it may there be adjudicated upon.

Fourthly. It is further mutually agreed that the commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid instructions.

ARTICLE III.

Losses by wrongful detention.

As the two preceding articles are entirely reciprocal, the two high contracting parties engage mutually to make good any losses which their respective subjects or citizens may incur by an arbitrary and illegal detention of their vessels; it being understood that this indemnity shall be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention; and that the search and detention of vessels specified in the first article of this treaty shall be effected only by ships which may form part of the two navies, respectively, and by such of those ships only as are provided with the special instructions annexed to the present treaty, in pursuance of the provisions thereof. The indemnification for the damages of which this article treats shall be paid within the term of one year, reckoning from the day in which the mixed court of justice pronounces its sentence.

Indemnity for the same.

ARTICLE IV.

Three mixed courts to be established.

In order to bring to adjudication with as little delay and inconvenience as possible the vessels which may be detained according to the tenor of the first article of this treaty, there shall be established, as soon as may be practicable, three mixed courts of justice, formed of an equal number of individuals of the two nations, named for this purpose by their respective Governments.

Places of courts.

These courts shall reside, one at Sierra Leone, one at the Cape of Good Hope, and one at New York.

But each of the two high contracting parties reserves to itself the right of changing, at its pleasure, the place of residence of the court or courts held within its own territories.

These courts shall judge the causes submitted to them according to the provisions of the present treaty, and according to the regulations and instructions which are annexed to the present treaty, and which are considered an integral part thereof; and there shall be no appeal from their decision.

Duties of courts.

ARTICLE V.

In case the commanding officer of any of the ships of the navies of either country, duly commissioned according to the provisions of the first article of this treaty, shall deviate in any respect from the stipulations of the said treaty, or from the instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may be proved to have committed.

Reparation for wrongful acts of officers.

Punishment of such officer.

Article VI.

It is hereby further mutually agreed that every American or British merchant vessel which shall be searched by virtue of the present treaty, may lawfully be detained, and sent or brought before the mixed courts of justice established in pursuance of the provisions thereof, if, in her equipment, there shall be found any of the things hereinafter mentioned, namely:

Merchant vessels may be detained if equipped with certain things.

1st. Hatches with open gratings, instead of the close hatches, which are usual in merchant vessels.

2nd. Divisions or bulkheads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare plank fitted for laying down as a second or slave deck.

4th. Shackles, bolts, or handcuffs.

5th. A larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of the vessel as a merchant vessel.

6th. An extraordinary number of water-casks, or of other vessels for holding liquid; unless the master shall produce a certificate from the custom house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks, or of other vessels, should be used only to hold palm-oil, or for other purposes of lawful commerce.

7th. A greater number of mess-tubs or kids than requisite for the use of the crew of the vessel as a merchant vessel.

8th. A boiler, or other cooking apparatus, of an unusual size, and larger, or capable of being made larger, than requisite for the use of the crew of the vessel as a merchant vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

9th. An extraordinary quantity of rice, of the flour of Brazil, of manioc or cassada, commonly called farinha, of maize, or of Indian corn, or of any other article of food whatever, beyond the probable wants of the crew; unless such rice, flour, farinha, maize, Indian corn, or other article of food be entered on the manifest as part of the cargo for trade.

10th. A quantity of mats or matting greater than is necessary for the use of the crew of the vessel as a merchant vessel; unless such mats or matting be entered on the manifest as part of the cargo for trade.

If it be proved that any one or more of the articles above specified is or are on board, or have been on board during the voyage in which the vessel was captured, that fact shall be considered as prima-facie evidence that the vessel was employed in the African slave trade, and she shall in consequence be condemned and declared lawful prize; unless the master or owners shall furnish clear and incontrovertible evidence, proving to the satisfaction of the mixed court of justice, that at the time of her detention or capture the vessel was employed in a lawful undertaking, and that such of the different articles above specified as were found on board at the time of detention, or as may have been embarked during the voyage on which she was engaged when captured, were indispensable for the lawful object of her voyage.

Proof of such equipment.

Article VII.

If any one of the articles specified in the preceding article as grounds for condemnation should be found on board a merchant vessel, or should be proved to have been on board of her during the voyage on which she was captured, no compensation for

A vessel equipped as above entitled to no compensation for damages.

losses, damages, or expenses consequent upon the detention of such vessel shall, in any case, be granted either to the master, the owner, or any other person interested in the equipment or in the lading, even though she should not be condemned by the mixed court of justice.

ARTICLE VIII.

Vessels condemned under this treaty.

It is agreed between the two high contracting parties that in all cases in which a vessel shall be detained under this treaty, by their respective cruisers, as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by one of the mixed courts of justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up; unless either of the two Governments should wish to purchase her for the use of its navy, at a price to be fixed by a competent person chosen for that purpose by the mixed court of justice; in which case the Government whose cruiser shall have detained the condemned vessel shall have the first option of purchase.

ARTICLE IX.

Owners, officers, and crew of condemned vessels.

The captain, master, pilot, and crew of any vessel condemned by the mixed courts of justice shall be punished according to the laws of the country to which such vessel belongs, as shall also the owner or owners and the persons interested in her equipment or cargo, unless they prove that they had no participation in the enterprise.

Persons on board such vessels.

For this purpose the two high contracting parties agree that, in so far as it may not be attended with grievous expense and inconvenience, the master and crew of any vessel which may be condemned by a sentence of one of the mixed courts of justice, as well as any other persons found on board the vessel, shall be sent and delivered up to the jurisdiction of the nation under whose flag the condemned vessel was sailing at the time of capture; and that the witnesses and proofs necessary to establish the guilt of such master, crew, or other persons shall also be sent with them.

Subjects of either Power found in condemned vessels of a third Power.

The same course shall be pursued with regard to subjects or citizens of either contracting party who may be found by a cruiser of the other on board a vessel of any third Power, or on board a vessel sailing without flag or papers, which may be condemned by any competent court for having engaged in the African slave trade.

ARTICLE X.

Negroes found on board condemned vessels.

The negroes who are found on board of a vessel condemned by the mixed courts of justice, in conformity with the stipulations of this treaty, shall be placed at the disposal of the Government whose cruiser has made the capture. They shall be immediately set at liberty, and shall remain free, the Government to whom they have been delivered guaranteeing their liberty.

ARTICLE XI.

The acts or instruments annexed to this treaty, and which it is mutually agreed shall form an integral part thereof, are as follows: Instruments annexed to treaty.

(A.) Instructions for the ships of the navies of both nations, destined to prevent the African slave trade.

(B.) Regulations for the mixed courts of justice.

ARTICLE XII.

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at London, in six months from this date, or sooner if possible. Ratifications. It shall continue and remain in full force for the term of ten years from the day of exchange of the ratifications, and further, until the end of one year after Duration of treaty. either of the contracting parties shall have given notice to the other of his intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty shall altogether cease and determine.

In witness whereof the respective Plenipotentiaries have signed the present treaty, and have thereunto affixed the seal of their arms.

Done at Washington the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] LYONS.

ANNEX (A) TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, FOR THE SUPPRESSION OF THE AFRICAN SLAVE TRADE. SIGNED AT WASHINGTON ON THE 7TH DAY OF APRIL, 1862.

Instructions for the ships of the United States and British navies employed to prevent the African slave trade.

ARTICLE I.

The commander of any ship belonging to the United States or British navy which shall be furnished with these instructions shall have a right to search and detain any United States or British merchant vessel which shall be actually engaged, or suspected to be engaged, in the African slave trade, or to be fitted out for the purposes thereof, or to have been engaged in such trade during the voyage in which she may be met with by such ship of the United States or British navy; and such commander shall thereupon bring or send such merchant vessel (save in the case provided for in Article V of these instructions) as soon as possible for judgment before one of the three mixed courts of justice established in virtue of the IVth article of the said treaty, that is to say: Right to search certain vessels. Vessels to be sent for judgment.

If the vessel shall be detained on the coast of Africa, she shall be brought before that one of the two mixed courts of justice to be established at the Cape of Good Hope and at Sierra Leone which may be nearest to the place of detention, or which the Vessels detained on African coast.

captor, on his own responsibility, may think can be soonest reached from such place.

On Cuban coast.

If the vessel shall be detained on the coast of the Island of Cuba, she shall be brought before the mixed court of justice at New York.

ARTICLE II.

Search.

Whenever a ship of either of the two navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be searched under the provisions of the said treaty, the search shall be conducted with the courtesy and consideration which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy, or by the officer who at the time shall be second in command of the ship by which such search is made.

ARTICLE III.

Action in case of detention.

The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant-vessel in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained the master, the mate or boatswain, and two or three, at least, of the crew, the whole of the negroes, if any, and all the cargo. The captor shall, at the time of detention, draw up, in writing, a declaration, which shall exhibit the state in which he found the detained vessel. Such declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the mixed court of justice before which such vessel shall be carried or sent for adjudication. He shall deliver to the master of the detained vessel a signed and certified list of the papers found on board the same, as well as a certificate of the number of negroes found on board at the moment of detention.

In the declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, and in the certificate of the number of negroes found on board the detained vessel, he shall insert his own name and surname, the name of the capturing ship, and the latitude and longitude of the place where the detention shall have been made.

The officer in charge of the detained vessel shall, at the time of bringing the vessel's papers into the mixed court of justice, deliver into the court a certificate, signed by himself and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the negroes, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

ARTICLE IV.

When negroes may be disembarked.

If urgent reasons arising from the length of the voyage, the state of health of the negroes, or any other cause, should require that either the whole or a portion of such negroes should be disembarked before the vessel can arrive at the place at which one of the mixed courts of justice is established, the commader of the capturing ship may take upon himself the responsibility of so disembarking the negroes, provided the necessity of the disembarkation, and the causes thereof, be stated in a certificate in proper form. Such certificate shall be drawn up and entered at the time on the log-book of the detained vessel.

ARTICLE V.

In case any merchant vessel detained in pursuance of the present instructions should prove to be unseaworthy, or in such a condition as not to be taken to one of the three ports where the mixed courts of justice are to be established in pursuance of the treaty of this date, the commander of the detaining cruiser may take upon himself the responsibility of abandoning or destroying her, provided the exact causes which made such a step imperatively necessary be stated in a certificate verified on oath. Such certificate shall be drawn up and formally executed in duplicate at the time. Detention of an unseaworthy vessel.

In case of the abandonment or destruction of a detained vessel, the master and crew, together with the negroes and papers found on board, and one copy of the sworn certificate mentioned in the preceding paragraph of this article, shall be sent and delivered to the proper mixed court of justice at the earliest possible moment.

The undersigned Plenipotentiaries have agreed, in conformity with the XIth article of the treaty signed by them on this day, that the present instructions shall be annexed to the said treaty and be considered an integral part thereof.

Done at Washington the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] LYONS.

ANNEX (B) TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, FOR THE ABOLITION OF THE AFRICAN SLAVE TRADE. SIGNED AT WASHINGTON ON THE 7TH DAY OF APRIL, 1862.

Regulations for the mixed courts of justice.

ARTICLE I.

The mixed courts of justice to be established under the provisions of the treaty of which these regulations are declared to be an integral part, shall be composed in the following manner: Composition of the courts.

The two high contracting parties shall each name a judge and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of capture or detention of vessels which, in pursuance of the stipulations of the aforesaid treaty, shall be brought before them.

The judges and the arbitrators shall, before they enter upon the duties of their office, respectively make oath before the principal magistrate of the place in which such courts shall respectively reside, that they will judge fairly and faithfully; that they will have no preference either for claimant or for captor; and that they will act in all their decisions in pursuance of the stipulations of the aforesaid treaty. Judges and arbitrators.

There shall be attached to each of such courts a secretary or registrar, who shall be appointed by the party in whose territories such court shall reside. Secretary or registrar.

Such secretary or registrar shall register all the acts of the court to which he is appointed; and shall, before he enters upon his office, make oath before the court that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his office.

The salaries of the judges and arbitrators shall be paid by the Gov-
Salaries. ernments by whom they are appointed.

The salary of the secretary or registrar of the court to be established in the territories of the United States shall be paid by the United States Government; and that of the secretaries or registrars of the two courts to be established in the territories of Great Britain shall be paid by Her Britannic Majesty.

Each of the two Governments shall defray half of the aggregate
Expenses. amount of the other expenses of such courts.

ARTICLE II.

The expenses incurred by the officer charged with the reception, main-
Expenses of bringing a vessel to adjudication. tenance, and care of the detained vessel, negroes, and cargo, and with the execution of the sentence, and all disbursments occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising out of the sale of the materials of the vessel, after the vessel shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandise. And in case the proceeds arising out of this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by
Expenses of released vessel. bringing her to adjudication shall be defrayed by the captor, except in the cases specified and otherwise provided for under Article VII of the treaty to which these regulations form an annex, and under Article VII of these regulations.

ARTICLE III.

The mixed courts of justice are to decide upon the legality of the
Courts, jurisdiction. detention of such vessels as the cruisers of either nation shall detain in pursuance of said treaty.

The said courts shall adjudge definitively, and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of the courts shall take place as summarily as possible; and for this purpose the courts are required to decide
Decisions. each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessels shall have been brought into the port where the deciding court shall reside.

The final sentence shall not in any case be delayed beyond the period of two months, either on account of the absence of witnesses
Final sentence. or for any other cause, except upon the application of any of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the courts may, at their discretion, grant an additional delay, not exceeding four months.

Each party shall be allowed to employ such counsel as he
Counsel. may think fit, to assist him in the conduct of his cause.

All the acts and essential parts of the proceedings of the said courts shall be committed to writing and be placed upon record.

ARTICLE IV.

Mode of proceeding of the courts. The form of the process, or mode of proceeding to judgment, shall be as follows:

The judges appointed by the two Governments, respectively, shall in

the first place proceed to examine the papers of the detained vessel, and shall take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board of such vessel; and shall also take the declaration on oath of the captor, if it should appear to them necessary to do so, in order to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid treaty, and in order that, according to such judgment, the vessel may be condemned or released. In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, whether with respect to the legality of the detention, or the liability of the vessel to condemnation, or as to the indemnification to be allowed, or as to any other question which may arise out of the said capture; or in case any difference of opinion should arise between them as to the mode of proceeding in the said court, they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two judges on the case; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

ARTICLE V.

If the detained vessel shall be restored by the sentence of the court, the vessel and the cargo, in the state in which they shall then be found, (with the exception of the negroes found on board, if such negroes shall have been previously disembarked under the provisions of Articles IV and V of the instructions annexed to the treaty of this date,) shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same court, claim a valuation of the damages which he may have a right to demand. The captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners either of the vessel or of her cargo, may be pronounced to be entitled.

Proceedings if detained vessel is restored.

Damage.

The two high contracting parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the court; it being mutually agreed that such costs and damages shall be paid by the Government of the country of which the captor shall be a subject.

ARTICLE VI.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the negroes who shall have been brought on board for the purpose of trade; and the said vessel, subject to the stipulations in the VIIIth article of the treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinafter mentioned.

Proceedings if detained vessel is condemned.

The negroes who may not previously have been disembarked shall receive from the court a certificate of emancipation, and shall be delivered over to the Government to whom the cruiser which made the capture belongs, in order to be forthwith set at liberty.

ARTICLE VII.

Damages.

The mixed courts of justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this treaty, but which shall not have been condemned as legal prize by the said courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in the VIIth article of the treaty to which these regulations form an annex, and in a subsequent part of these regulations, the court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; and it is agreed that the indemnification shall be as follows:

First. In case of total loss, the claimant or claimants shall be indemnified—

(A.) For the ship, her tackle, equipment, and stores.

(B.) For all freights due and payable.

(C.) For the value of the cargo of merchandise, if any, deducting all charges and expenses which would have been payable upon the sale of such cargo, including commission of sale.

(D.) For all other regular charges in such case of total loss.

Secondly. In all other cases (save as hereinafter mentioned) not of total loss, the claimant or claimants shall be indemnified—

(A.) For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

(B.) For demurrage when due, according to the schedule annexed to the present article.

(C.) For any deterioration of the cargo.

(D.) For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 (five) per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

Vessel seized by fault of its own master not entitled to demurrage.

The two high contracting parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

Schedule of demurrage or daily allowance for a vessel of—

100	tons to	120,	inclusive	.....	£5	per diem
121	"	150,	"	.....	6	"
151	"	170,	"	.....	8	"
171	"	200,	"	.....	10	"
201	"	220,	"	.....	11	"
221	"	250,	"	.....	12	"
251	"	270,	"	.....	14	"
271	"	300,	"	.....	15	"

And so on in proportion.

ARTICLE VIII.

Neither the judges, nor the arbitrators, nor the secretaries or registrars of the mixed courts of justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such courts any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries or registrars have to perform.

Judges, registrars, not to demand or receive gifts.

ARTICLE IX.

The two high contracting parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment of one or more of the judges or arbitrators composing the above-mentioned courts, respectively, the post of such judge or arbitrator shall be supplied, ad interim, in the following manner:

Vacancies.

First. On the part of the United States, and in that court which shall sit within their territories: If the vacancy be that of the United States judge, his place shall be filled by the United States arbitrator; and either in that case, or in case the vacancy be originally that of the United States arbitrator, the place of such arbitrator shall be filled by the judge of the United States for the southern district of New York; and the said court, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same and pass sentence accordingly.

Secondly. On the part of the United States of America, and in those courts which shall sit within the possessions of Her Britannic Majesty: If the vacancy be that of the United States judge, his place shall be filled by the United States arbitrator; and either in that case, or in case the vacancy be originally that of the United States arbitrator, his place shall be filled by the United States Consul, or, in the unavoidable absence of the Consul, by the United States Vice-Consul. In case the vacancy be both of the United States judge and of the United States arbitrator, then the vacancy of the judge shall be filled by the United States Consul, and that of the United States arbitrator by the United States Vice-Consul. But if there be no United States Consul or Vice-Consul to fill the place of the United States arbitrator, then the British arbitrator shall be called in in those cases in which the United States arbitrator would be called in; and in case the vacancy be both of the United States judge and of the United States arbitrator, and there be neither United States Consul nor Vice-Consul to fill ad interim the vacancies, then the British judge and the British arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same and pass sentence accordingly.

Thirdly. On the part of Her Britannic Majesty, and in those courts which shall sit within the possessions of her said Majesty: If the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or in case the vacancy be originally that of the British arbitrator the place of such arbitrator shall be filled by the Governor or Lieutenant Governor resident in such possession; in his unavoidable absence, by the principal magistrate of the same; or in the unavoidable absence of the principal magistrate, by the secretary of the Government; and the said court so constituted as above, shall sit, and, in all cases brought before it for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Fourthly. On the part of Great Britain, and in that court which shall sit within the territories of the United States of America: If the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case or in case the vacancy be originally that of the British arbitrator, his place shall be filled by the British Consul; or in the unavoidable absence of the Consul, by the British Vice-Consul; and in case the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul. But if there be no British Consul or Vice-Consul to fill the place of British arbitrator, then the United States arbitrator shall be called in in those cases in which the British arbitrator would be called in; and in case the vacancy be both of the British judge and of the British arbitrator, and there be neither British Consul nor Vice-Consul to fill ad interim the vacancies, then the United States judge and arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

Notice of vacancy.

The chief authority of the place in the territories of either high contracting party where the mixed courts of justice shall sit, shall, in the event of a vacancy arising, either of the judge or the arbitrator of the other high contracting party, forthwith give notice of the same by the most expeditious method in his power to the Government of that other high contracting party, in order that such vacancy may be supplied at the earliest possible period.

And each of the high contracting parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XIth article of the treaty signed by them on this day, that the preceding regulations shall be annexed to the said treaty and considered an integral part thereof.

Done at Washington the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] LYONS.

1863.

ADDITIONAL ARTICLE TO THE TREATY FOR THE SUPPRESSION OF THE AFRICAN SLAVE TRADE OF APRIL 7, 1862.

Concluded February 17, 1863; *ratifications exchanged at London April* 1, 1863; *proclaimed April* 22, 1863.

Whereas, by the first article of the treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the suppression of the African slave trade, signed at Washington on the 7th of April, 1862, it was stipulated and agreed that those ships of the respective navies of the two high contracting parties which shall be provided with special instructions for that purpose as thereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African slave trade, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruisers, been engaged in the African slave

trade contrary to the provisions of the said treaty; and that such cruisers may detain and send or carry away such vessels in order that they may be brought to trial in the manner thereinafter agreed upon; and whereas it was by the said article further stipulated and agreed that the reciprocal right of search and detention should be exercised only within the distance of two hundred miles from the coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty leagues from the coast of the island of Cuba; and whereas the two high contracting parties are desirous of rendering the said treaty still more efficacious for its purpose: the Plenipotentiaries who signed the said treaty have, in virtue of their full powers, agreed that the reciprocal right of visit and detention, as defined in the article aforesaid, may be exercised also within thirty leagues of the island of Madagascar, within thirty leagues of the island of Puerto Rico, and within thirty leagues of the island of San Domingo.

Right of search and detention extended to vicinity of certain islands.

The present additional article shall have the same force and validity as if it had been inserted word for word in the treaty concluded between the two high contracting parties on the 7th of April, 1862, and shall have the same duration as that treaty. It shall be ratified, and the ratifications shall be exchanged at London in six months from this date, or sooner if possible.

Effect of this article.

Ratifications.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at Washington the 17th day of February, in the year of our Lord one thousand eight hundred and sixty-three.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] LYONS.

1863.

TREATY FOR THE FINAL SETTLEMENT OF THE CLAIMS OF THE HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES.

Concluded July 1, 1863; *ratifications exchanged at Washington March* 3, 1864; *proclaimed March* 5, 1864.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to provide for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies, specified in Articles III and IV of the treaty concluded between the United States of America and Great Britain on the 15th of June, 1846, have resolved to conclude a treaty for this purpose, and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, William H. Seward, Secretary of State; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell, Lord Lyons, a peer of her United Kingdom, a Knight Grand Cross of her most honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Negotiators.

Who, after having communicated to each other their respective full

powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Commissioners to examine claims of Hudson's Bay and Puget's Sound Agricultural Companies

Whereas by the IIId and IVth articles of the treaty concluded at Washington on the 15th day of June, 1846, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, it was stipulated and agreed that in the future appropriation of the territory south of the 49th parallel of north latitude, as provided in the first article of the said treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, should be respected, and that the farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, should be confirmed to the said company, but that in case the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole or of any part thereof, the property so required should be transferred to the said Government at a proper valuation to be agreed upon between the parties;

And whereas it is desirable that all questions between the United States authorities on the one hand, and the Hudson's Bay and Puget's Sound Agricultural Companies on the other, with respect to the possessory rights and claims of those companies, and of any other British subjects in Oregon and Washington Territory, should be settled by the transfer of those rights and claims to the Government of the United States for an adequate money consideration:

It is hereby agreed that the United States of America and her Britannic Majesty shall, within twelve months after the exchange of the ratifications of the present treaty, appoint each a Commissioner for the purpose of examining and deciding upon all claims arising out of the provisions of the above quoted articles of the treaty of June 15, 1846.

ARTICLE II.

Where Commissioners are to meet, and how to be qualified.

The Commissioners mentioned in the preceding article shall, at the earliest convenient period after they shall have been respectively named, meet at the city of Washington, in the District of Columbia, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, all the matters referred to them for their decision, and such declaration shall be entered on the record of their proceedings.

Umpire.

The Commissioners shall then proceed to name an Arbitrator or Umpire to decide upon any case or cases on which they may differ in opinion; and if they cannot agree in the selection, the said Arbitrator or Umpire shall be appointed by the King of Italy, whom the two high contracting parties shall invite to make such appointment, and whose selection shall be conclusive on both parties. The person so to be chosen shall, before proceeding to act, make and subscribe a solemn declaration, in a form similar to that which shall already have

been made and subscribed by the Commissioners, which declaration shall also be entered on the record of the proceedings. In the event of the death, absence, or incapacity of such person, or of his omitting or declining or ceasing to act as such Arbitrator or Umpire, another person shall be named, in the manner aforesaid, to act in his place or stead, and shall make and subscribe such declaration as aforesaid. Vacancy in office of Umpire.

The United States of America and Her Britannic Majesty engage to consider the decision of the two Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as final and conclusive on the matters to be referred to their decision, and forthwith to give full effect to the same. Decision to be considered final.

ARTICLE III.

The Commissioners and the Arbitrator or Umpire shall keep accurate records and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ such clerk or clerks or other persons as they shall find necessary to assist them in the transaction of the business which may come before them. Records.

The salaries of the Commissioners and of the clerk or clerks shall be paid by their respective Governments. The salary of the Arbitrator or Umpire and the contingent expenses shall be defrayed in equal moieties by the two Governments. Salaries.

ARTICLE IV.

All sums of money which may be awarded by the Commissioners, or by the Arbitrator or Umpire, on account of any claim, shall be paid by the one Government to the other in two equal annual instalments, whereof the first shall be paid within twelve months after the date of the award, and the second within twenty-four months after the date of the award, without interest, and without any deduction whatever. Awards of Commissioners.

ARTICLE V.

The present treaty shall be ratified, and the mutual exchange of ratifications shall take place in Washington, in twelve months from the date hereof, or earlier if possible. Ratifications.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, the first day of July, anno Domini one thousand eight hundred and sixty-three.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] LYONS.

AWARD.

At a meeting of the Commissioners under the treaty of July 1st, 1863, between the United States of America and Her Britannic Majesty, for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies, held at the city of Washington, on the 10th day of September, 1869—

Present: Alexander S. Johnson, Commissioner on the part of the United States of America; John Rose, Commissioner on the part of Her Britannic Majesty.

The Commissioners having heard the allegations and proofs of the respective parties, and the arguments of their respective counsel, and duly considered the same, do determine and award that, as the adequate money consideration for the transfer to the United States of America of all the possessory rights and claims of the Hudson's Bay Company, and of the Puget's Sound Agricultural Company, under the first article of the treaty of July 1st, 1863, and the third and fourth articles of the treaty of June 15, 1846, commonly called the Oregon treaty, and in full satisfaction of all such rights and claims, there ought to be paid in gold coin by the United States of America, at the times and in the manner provided by the fourth article of the treaty of July 1, 1863, on account of the possessory rights and claims of the Hudson's Bay Company, four hundred and fifty thousand dollars; and on account of the possessory rights and claims of the Puget's Sound Agricultural Company, the sum of two hundred thousand dollars; and that at or before the time fixed for the first payment to be made in pursuance of the treaty and of this award, each of the said companies do execute and deliver to the United States of America a sufficient deed or transfer and release to the United States of America, substantially in the form hereunto annexed.

In testimony whereof we, the said Commissioners, have set our hands to this award in duplicate, on the day and year and at the place aforesaid.

ALEXANDER S. JOHNSON,
Commissioner on the part of the United States.
JOHN ROSE,
Commissioner on the part of Her Britannic Majesty.

1870.

CONVENTION * RELATIVE TO NATURALIZATION.

Concluded May 13, 1870; *ratifications exchanged at London August* 10, 1870; *proclaimed September* 16, 1870.

The President of the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to regulate the citizenship of citizens of the United States of America who have emigrated or who may emigrate from the United States of Ameriea to the British dominions, and of British subjects who have emigrated or who may emigrate from the British dominions to the United States of America, have resolved to conclude a convention for that purpose, and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, John Lothrop Motley, Esquire, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Her Britannic Majesty; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a peer of the United Kingdom, a member of Her Britannic Majesty's most honourable Privy Council, Knight of the most noble Order of the Garter, Knight Grand Cross of the most hon-

Negotiators.

* See also Convention of February 23, 1871.

ourable Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Citizens of either country naturalized in the other.

Citizens of the United States of America who have become, or shall become, and are naturalized according to law within the British dominions as British subjects, shall, subject to the provisions of Article II, be held by the United States to be in all respects and for all purposes British subjects, and shall be treated as such by the United States.

Reciprocally, British subjects who have become, or shall become, and are naturalized according to law within the United States of America as citizens thereof, shall, subject to the provisions of Article II, be held by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

ARTICLE II.

Renunciation of naturalization.

Such citizens of the United States as aforesaid who have become and are naturalized within the dominions of Her Britannic Majesty as British subjects, shall be at liberty to renounce their naturalization and to resume their nationality as citizens of the United States, provided that such renunciation be publicly declared within two years after the exchange of the ratifications of the present convention.

Such British subjects as aforesaid who have become and are naturalized as citizens within the United States, shall be at liberty to renounce their naturalization and to resume their British nationality, provided that such renunciation be publicly declared within two years after the twelfth day of May, 1870.

The manner in which this renunciation may be made and publicly declared shall be agreed upon by the Governments of the respective countries.

ARTICLE III.

A citizen renewing residence in his original country may be restored to citizenship there, and no claim to be made for him by country of his former naturalization.

If any such citizen of the United States as aforesaid, naturalized within the dominions of Her Britannic Majesty, should renew his residence in the United States, the United States Government may, on his own application and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a citizen of the United States, and Great Britain shall not, in that case, claim him as a British subject on account of his former naturalization.

In the same manner, if any such British subject as aforesaid naturalized in the United States should renew his residence within the dominions of Her Britannic Majesty, Her Majesty's Government may, on his own application and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a British subject, and the United States shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

ARTICLE IV.

Ratifications. The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at London the thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] JOHN LOTHROP MOTLEY.
[SEAL.] CLARENDON.

1870.

ADDITIONAL CONVENTION TO THE TREATY OF APRIL 7, 1862, RESPECTING THE AFRICAN SLAVE TRADE.

Concluded June 3, 1870; *ratifications exchanged at London August* 10, 1870; *proclaimed September* 16, 1870.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having come to the conclusion that it is no longer necessary to maintain the three mixed courts of justice established at Sierra Leone, at the Cape of Good Hope, and at New York, in pursuance of the treaty concluded at Washington on the 7th day of April, 1862, for the suppression of the African slave trade, they have resolved to conclude an additional convention for the purpose of making the requisite modifications of the said treaty, and have named as their Plenipotentiaries, that is to say:

Negotiators. The President of the United States of America, Hamilton Fish, Secretary of State, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Edward Thornton, Esquire, Companion of the Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Treaties relative to mixed courts. Everything contained in the treaty concluded at Washington on the 7th of April, 1862, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the suppression of the African slave trade, and in the annexes A and B thereto, which relates to the establishment of three mixed courts of justice at Sierra Leone, at the Cape of Good Hope, and at New York, to hear and decide all cases of capture of vessels which may be brought before them as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, as well as to the composition, jurisdiction, and mode of procedure of such courts, shall cease and determine as regards the said mixed courts, from and after the exchange of the ratifications of the present additional convention, except in so far as regards any act or proceeding

done or taken in virtue thereof, before this additional convention shall be officially communicated to the said mixed courts of justice. The said courts shall nevertheless have the power, and it shall be their duty, to proceed with all practicable dispatch to the final determination of all causes and proceedings which may be pending and undetermined in them, or either of them, at the time of receiving notice of the ratification of this convention.

ARTICLE II.

Jurisdiction of mixed courts.

The jurisdiction heretofore exercised by the said mixed courts in pursuance of the provisions of the said treaty shall, after the exchange of the ratifications of the present additional convention, be exercised by the courts of one or the other of the high contracting parties according to their respective modes of procedure in matters of maritime prize; and all the provisions of the said treaty with regard to the sending or bringing in of captured vessels for adjudication before the said mixed courts, and with regard to the adjudication of such vessels by the said courts, and the rules of evidence to be applied and the proceedings consequent on such adjudication, shall apply, mutatis mutandis, to the courts of the high contracting parties. It is, however, provided that there may be an appeal from the decision of any court of the high contracting parties, in the same manner as by the law of the country where the court sits is allowed in other cases of maritime prize.

ARTICLE III.

Disposal of vessel detained as a slaver.

It is agreed that in case of an American merchant vessel searched by a British cruiser being detained as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, she shall be sent to New York or Key West, whichever shall be most accessible for adjudication, or shall be handed over to an United States cruiser, if one should be available in the neighborhood of the capture; and that in the corresponding case of a British merchant vessel searched by an United States cruiser being detained as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, she shall be sent for adjudication to the nearest or most accessible British colony, or shall be handed over to a British cruiser, if one should be available in the neighborhood of the capture.

Disposal of proofs.

All the witnesses and proofs necessary to establish the guilt of the master, crew, or other persons found on board of any such vessel, shall be sent and handed over with the vessel itself, in order to be produced to the court before which such vessel or persons may be brought for trial.

All negroes or others (necessary witnesses excepted) who may be on board either an American or a British vessel for the purpose of being consigned to slavery, shall be handed over to the nearest British authority. They shall be immediately set at liberty, and shall remain free, Her Britannic Majesty guaranteeing their liberty. With regard to such of those negroes or others as may be sent in with the detained vessel as necessary witnesses, the Government to which they may have been delivered shall set them at liberty as soon as their testimony shall no longer be required, and shall guarantee their liberty.

Where a detained vessel is handed over to a cruiser of her own nation, an officer in charge, and other necessary witnesses and proofs, shall accompany the vessel.

ARTICLE IV.

Instructions annexed to this convention in lieu of instructions "A" of former treaty.

It is mutually agreed that the instructions for the ships of the navies of both nations destined to prevent the African slave trade, which are annexed to this convention, shall form an integral part thereof, and shall have the same force and effect as if they had been annexed to the treaty of the 7th of April, 1862, in lieu of the instructions forming annex A to that treaty.

ARTICLE V.

Former treaty valid except in above respect.

In all other respects the stipulations of the treaty of April 7, 1862, shall remain in full force and effect until terminated by notice given by one of the high contracting parties to the other, in the manner prescribed by Article XII thereof.

ARTICLE VI.

Present treaty to be communicated to mixed courts, &c.

The high contracting parties engage to communicate the present convention to the mixed courts of justice, and to the officers in command of their respective cruisers, and to give them the requisite instructions in pursuance thereof, with the least possible delay.

ARTICLE VII.

Duration of convention.

The present additional convention shall have the same duration as the treaty of the 7th of April, 1862, and the additional article thereto of the 17th of February, 1863. It shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington the third day of June, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

ANNEX TO THE ADDITIONAL CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, FOR THE SUPPRESSION OF THE AFRICAN SLAVE TRADE. SIGNED AT WASHINGTON ON THE THIRD DAY OF JUNE, 1870.

Instructions for the ships of the United States and British navies employed to prevent the African slave trade.

ARTICLE I.

Right of search.

The commander of any ship belonging to the United States or British navy, which shall be furnished with these instructions, shall have a right to search and detain any United States or British merchant vessels which shall be actually engaged, or suspected to be engaged, in the African slave trade, or to be fitted out for the purposes thereof, or to have been engaged in such trade during the voyage in which she may be met with by such ship of the United States or British navy; and such commander shall thereupon bring or send such merchant vessel

(save in the case provided for in Article V of these instructions) as soon as possible for judgment, in the manner provided by Article III of the additional convention of this date, that is to say:

In the case of an American vessel searched and detained as aforesaid by a British cruiser, she shall be sent to New York or Key West, whichever shall be most accessible, or be handed over to an United States cruiser, if one should be available in the neighborhood of the capture. Disposal of captured vessel.

In the case of a British vessel searched and detained as afordsaid by an United States cruiser, she shall be sent to the nearest or most accessible British colony, or shall be handed over to a British cruiser, if one should be available in the neighborhood of the capture.

ARTICLE II.

Whenever a ship of either of the two navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be searched under the provisions of the treaty of the 7th of April, 1862, and of this additional convention, the search shall be conducted with the courtesy and consideration which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy, or by the officer who at the time shall be second in command of the ship by which such search is made. Conduct of search.

ARTICLE III.

The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained the master, the mate, or boatswain, two or three at least of the crew, and all the cargo. The captor shall at the time of detention draw up in writing a declaration which shall exhibit the state in which he found the detained vessel; such declaration shall be signed by himself, and shall be given or sent in with the detained vessel to be produced as evidence in the proper court. He shall deliver to the master of the detained vessel a signed and certified list of the papers found on board the same, as well as a certificate of the number of negroes or other persons destined for slavery who may have been found on board at the moment of detention. Action in case of detention.

In the declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, and in the certificate of the number of negroes or others destined for slavery who may be found on board the detained vessel, he shall insert his own name and surname, the name of the capturing ship, and the latitude and longitude of the place where the detention shall have been made.

The officer in charge of the detained vessel shall, at the time of delivering the vessel's papers and the certificate of the commander into court, deliver also a certificate, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, and her cargo, between the time of her detention and the time of delivering in such paper.

Where a detained vessel is handed over to a cruiser of her own nation, an officer in charge, and other necessary witnesses and proofs, shall accompany the vessel.

ARTICLE IV.

Disposal of persons on board a detained vessel.

All the negroes or others (necessary witnesses excepted) who may be on board either an American or a British detained vessel, for the purpose of being consigned to slavery, shall be handed over by the commander of the capturing ship to the nearest British authority.

ARTICLE V.

Detention of an unseaworthy vessel.

In case any merchant vessel detained in pursuance of the present instructions should prove to be unseaworthy, or in such a condition as not to be taken in for adjudication as directed by the additional convention of this date, the commander of the detaining cruiser may take upon himself the responsibility of abandoning or destroying her, provided the exact causes which made such a step imperatively necessary be stated in a certificate verified on oath. Such certificate shall be drawn up and formally executed by him in duplicate at the time, and shall be received as prima facie evidence of the facts therein stated, subject to rebuttal by counter proof.

In case of the abandonment or destruction of a detained vessel, the master and crew, together with the papers found on board, and other necessary proofs and witnesses, and one of the certificates mentioned in the preceding paragraph of this article, shall be sent and delivered at the earliest possible moment to the proper court before which the vessel would otherwise have been sent. Upon the production of the said certificate, the court may proceed to adjudicate upon the detention of the vessel in the same manner as if the vessel had been sent in.

The negroes or others intended to be consigned to slavery shall be handed over to the nearest British authority.

The undersigned Plenipotentiaries have agreed, in conformity with the IVth Article of the additional convention, signed by them on this day, that the present instructions shall be annexed to the said convention, and be considered an integral part thereof.

Done at Washington the third day of June, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

1871.

CONVENTION CONCERNING THE RENUNCIATION OF NATURALIZATION IN CERTAIN CASES, SUPPLEMENTAL TO THE CONVENTION OF MAY 13, 1870.

Signed February 23, 1871; *ratifications exchanged at Washington May* 4, 1871; *proclaimed May* 5, 1871.

Whereas by the second article of the convention between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for regulating the citizenship of citizens and subjects of the contracting parties who have emigrated or may emigrate, from the dominions of the one to those of the other party, signed at London, on the 13th of May, 1870, it was stipulated that the manner in which the renunciation by such citizens and subjects of their naturalization, and the resumption of their native allegiance

may be made and publicly declared, should be agreed upon by the Governments of the respective countries, the President of the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the purpose of effecting such agreement, have resolved to conclude a supplemental convention, and have named as their Plenipotentiaries, that is to say, the President of the United States of America, Hamilton Fish, Secretary of State, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America; who have agreed as follows:

Negotiators.

ARTICLE I.

Any person, being originally a citizen of the United States, who had previously to May 13th, 1870, been naturalized as a British subject, may, at any time before August 10th, 1872, and any British subject who, at the date first aforesaid, had been naturalized as a citizen within the United States, may, at any time before May 12th, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing, substantially in the form hereunto appended, and designated as Annex A.

Renunciation of naturalization by certain citizens or subjects of either country naturalized in the other.

Such renunciation, by an original citizen of the United States, of British nationality, shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such court: if the declarant be beyond the territories of the United States, it shall be made in duplicate, before any diplomatic or consular officer of the United States. One of such duplicates shall remain of record in the custody of the court or officer in whose presence it was made; the other shall be, without delay, transmitted to the Department of State.

If within the United States.

If beyond the territory of the United States.

Renunciation, how to be made.

Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a justice of the peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any judge of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose: if out of Her Majesty's dominions, in triplicate, in the presence of any officer in the diplomatic or consular service of Her Majesty.

If in the United Kingdom.

If elsewhere in the British dominions.

ARTICLE II.

The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who, within their respective dominions and territories, or before their diplomatic and consular officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of the declarants, and the times and places of their naturalization, as they may have furnished.

Lists of persons renouncing their naturalization to be furnished.

ARTICLE III.

Ratifications.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged at Washington as soon as may be convenient.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy-one.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

ANNEX A.

Form of declaration of renunciation of naturalization.

I, A. B., of [insert abode], being originally a citizen of the United States of America, [or a British subject,] and having become naturalized within the dominions of Her Britannic Majesty as a British subject, [or as a citizen within the United States of America,] do hereby renounce my naturalization as a British subject, [or citizen of the United States,] and declare that it is my desire to resume my nationality as a citizen of the United States, [or British subject.]

(Signed) A. B.

Made and subscribed to before me, ———, in [insert country or other subdivision, and State, province, colony, legation, or consulate,] this —— day of ———, 187–.

(Signed)

E. F.,
Justice of the Peace [or other title.]
[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

1871.*

TREATY RELATIVE TO CLAIMS, FISHERIES, NAVIGATION OF THE ST. LAWRENCE, &c.; AMERICAN LUMBER ON THE RIVER ST. JOHN; BOUNDARY.

Concluded May 8, 1871; *ratifications exchanged at London June* 17, 1871; *proclaimed July* 4, 1871.

Negotiators.

The United States of America and Her Britannic Majesty, being desirous to provide for an amicable settlement of all causes of difference between the two countries, have for that purpose appointed their respective Plenipotentiaries, that is to say: The President of the United States has appointed, on the part of the United States, as Commissioners in a Joint High Commission and Plenipotentiaries, Hamilton Fish, Secretary of State; Robert Cumming Schenck, Envoy Extraordinary and Minister Plenipotentiary to Great Britain; Samuel Nelson, an Associate Justice of the Supreme Court of the United States; Ebenezer Rockwood Hoar, of Massachusetts; and George Henry Williams, of Oregon; and Her Britannic Majesty, on her part, has appointed as her High Commissioners and Plenipotentiaries, the Right

* See Notes: "Abrogated, suspended, or obsolete treaties"

Honourable George Frederick Samuel, Earl de Grey and Earl of Ripon, Viscount Goderich, Baron Grantham, a Baronet, a Peer of the United Kingdom, Lord President of Her Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, etc., etc.; the Right Honourable Sir Stafford Henry Northcote, Baronet, one of Her Majesty's Most Honourable Privy Council, a Member of Parliament, a Companion of the Most Honorable Order of the Bath, etc., etc.; Sir Edward Thornton, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; Sir John Alexander Macdonald, Knight Commander of the Most Honourable Order of the Bath, a Member of Her Majesty's Privy Council for Canada, and Minister of Justice and Attorney General of Her Majesty's Dominion of Canada; and Mountague Bernard, Esquire, Chichele Professor of International Law in the University of Oxford.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

Alabama claims to be referred to arbitration.

Whereas differences have arisen between the Government of the United States and the Government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama Claims:"

And whereas Her Britannic Majesty has authorized her High Commissioners and Plenipotentiaries to express, in a friendly spirit, the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels:

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims which are not admitted by Her Britannic Majesty's Government, the high contracting parties agree that all the said claims, growing out of acts committed by the aforesaid vessels, and generically known as the "Alabama Claims," shall be referred to a tribunal of arbitration to be composed of five Arbitrators, to be appointed in the following manner, that is to say: One shall be named by the President of the United States; one shall be named by Her Britannic Majesty; His Majesty the King of Italy shall be requested to name one; the President of the Swiss Confederation shall be requested to name one; and His Majesty the Emperor of Brazil shall be requested to name one.

Arbitrators.

In case of the death, absence, or incapacity to serve of any or either of the said Arbitrators, or, in the event of either of the said Arbitrators omitting or declining or ceasing to act as such, the President of the United States, or Her Britannic Majesty, or His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, as the case may be, may forthwith name another person to act as Arbitrator in the place and stead of the Arbitrator originally named by such head of a State.

Vacancies.

And in the event of the refusal or omission for two months after receipt of the request from either of the high contracting parties of His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, to name an Arbitrator either to

fill the original appointment or in the place of one who may have died, be absent, or incapacitated, or who may omit, decline, or from any cause cease to act as such Arbitrator, His Majesty the King of Sweden and Norway shall be requested to name one or more persons, as the case may be, to act as such Arbitrator or Arbitrators.

ARTICLE II.

Arbitrators to meet, when and where.

The Arbitrators shall meet at Geneva, in Switzerland, at the earliest convenient day after they shall have been named, and shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the Governments of the United States and Her Britannic Majesty respectively. All questions considered by the tribunal, including the final award, shall be decided by a majority of all the Arbitrators.

Their powers.

A majority to decide.

Each of the high contracting parties shall also name one person to attend the tribunal as its Agent to represent it generally in all matters connected with the arbitration.

Agent of each party

ARTICLE III.

Case of each party, when to be given to Arbitrators.

The written or printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the Agent of the other party as soon as may be after the organization of the tribunal, but within a period not exceeding six months from the date of the exchange of the ratifications of this treaty.

ARTICLE IV.

Counter case.

Within four months after the delivery on both sides of the written or printed case, either party may, in like manner, deliver in duplicate to each of the said Arbitrators, and to the Agent of the other party, a counter case and additional documents, correspondence, and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other party.

Time may be extended.

The Arbitrators may, however, extend the time for delivering such counter case, documents, correspondence, and evidence, when, in their judgment, it becomes necessary, in consequence of the distance of the place from which the evidence to be presented is to be procured.

Documents and papers to be produced.

If in the case submitted to the Arbitrators either party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrators may require.

ARTICLE V.

Arguments and briefs.

It shall be the duty of the Agent of each party, within two months after the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said Arbitrators and to the Agent of the other party a written or

printed argument showing the points and referring to the evidence upon which his Government relies; and the Arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by counsel upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

ARTICLE VI.

In deciding the matters submitted to the Arbitrators, they shall be governed by the following three rules, which are agreed upon by the high contracting parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to have been applicable to the case.

Rules to govern the Arbitrators in their decisions.

RULES.

A neutral Government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Obligations of neutral Government to use due diligence to prevent the fitting out of vessels.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Not to permit its ports to be used for certain purposes.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

To use due diligence to prevent violation of obligations.

Her Britannic Majesty has commanded her High Commissioners and Plenipotentiaries to declare that Her Majesty's Government cannot assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in Article I arose, but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of those claims, the Arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules.

These rules not admitted to have been in force when the Alabama Claims arose, but to govern in future cases.

And the high contracting parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime Powers, and to invite them to accede to them.

ARTICLE VII.

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

Decision to be made, when and in what form.

To be made as to each vessel separately.

The said tribunal shall first determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfil any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the tribunal find that Great Britain has failed to fulfil any duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the Government of Great Britain to the Government of the United States, at Washington, within twelve months after the date of the award.

If Great Britain is found in fault a gross sum may be awarded.

When to be paid.

Award to be in duplicate, and to whom delivered.

The award shall be in duplicate, one copy whereof shall be delivered to the Agent of the United States for his Government, and the other copy shall be delivered to the Agent of Great Britain for his Government.

ARTICLE VIII.

Expenses of the arbitration.

Each Government shall pay its own Agent and provide for the proper remuneration of the counsel employed by it and of the Arbitrator appointed by it, and for the expense of preparing and submitting its case to the tribunal. All other expenses connected with the arbitration shall be defrayed by the two Governments in equal moieties.

ARTICLE IX.

Arbitrators to keep a record.

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

ARTICLE X.

If Great Britain is found in fault, and a gross sum is not awarded, a board of assessors to be appointed to determine claims.

In case the tribunal finds that Great Britain has failed to fulfil any duty or duties as aforesaid, and does not award a sum in gross, the high contracting parties agree that a board of assessors shall be appointed to ascertain and determine what claims are valid, and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure, as to each vessel, according to the extent of such liability as decided by the Arbitrators.

How to be constituted.

The board of assessors shall be constituted as follows: One member thereof shall be named by the President of the United States, one member thereof shall be named by Her Britannic Majesty, and one member thereof shall be named by the Representative at Washington of His Majesty the King of Italy; and in case of a vacancy happening from any cause, it shall be filled in the same manner in which the original appointment was made.

Vacancies.

Board to meet when.

As soon as possible after such nominations the board of assessors shall be organized in Washington, with power to hold their sittings there, or in New York, or in Boston. The members thereof shall severally subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judg-

ment and according to justice and equity, all matters submitted to them, and shall forthwith proceed, under such rules and regulations as they may prescribe, to the investigation of the claims which shall be presented to them by the Government of the United States, and shall examine and decide upon them in such order and manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the Governments of the United States and of Great Britain, respectively. They shall be bound to hear on each separate claim, if required, one person on behalf of each Government, as counsel or agent. A majority of the Assessors in each case shall be sufficient for a decision.

Their powers and duties.

A majority to decide.

The decision of the Assessors shall be given upon each claim in writing, and shall be signed by them respectively and dated.

Decision, when and how to be given.

Every claim shall be presented to the Assessors within six months from the day of their first meeting, but they may, for good cause shown, extend the time for the presentation of any claim to a further period not exceeding three months.

Claims to be presented within six months.

The Assessors shall report to each Government, at or before the expiration of one year from the date of their first meeting, the amount of claims decided by them up to the date of such report; if further claims then remain undecided, they shall make a further report at or before the expiration of two years from the date of such first meeting; and in case any claims remain undetermined at that time, they shall make a final report within a further period of six months.

Report of Assessors.

The report or reports shall be made in duplicate, and one copy thereof shall be delivered to the Secretary of State of the United States, and one copy thereof to the Representative of Her Britannic Majesty at Washington.

How to be made and to whom delivered.

All sums of money which may be awarded under this article shall be payable at Washington, in coin, within twelve months after the delivery of each report.

Awards, when and where to be paid.

The board of assessors may employ such clerks as they shall think necessary.

Clerks.

The expenses of the board of assessors shall be borne equally by the two Governments, and paid from time to time, as may be found expedient, on the production of accounts certified by the board. The remuneration of the Assessors shall also be paid by the two Governments in equal moieties in a similar manner.

Expenses.

Article XI.

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration and of the board of Assessors, should such board be appointed, as a full, perfect, and final settlement of all the claims hereinbefore referred to; and further engage that every such claim, whether the same may or may not have been presented to the notice of, made, preferred, or laid before the tribunal or board, shall, from and after the conclusion of the proceedings of the tribunal or board, be considered and treated as finally settled, barred, and thenceforth inadmissible.

Decisions of the Arbitrators and Assessors to be final.

Claims not presented to be deemed finally settled.

ARTICLE XII.

Certain claims (other than Alabama Claims) against either Government to be referred to three Commissioners.

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the thirteenth of April, eighteen hundred and sixty-one, and the ninth of April, eighteen hundred and sixty-five, inclusive, not being claims growing out of the acts of the vessels referred to in Article I of this treaty, and all claims, with the like exception, on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the same period, which may have been presented to either Government for its interposition with the other, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article XIV of this treaty, shall be referred to three Commissioners, to be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date of the exchange of the ratifications of this treaty, then the third Commissioner shall be named by the Representative at Washington of His Majesty the King of Spain. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment; the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

Their appointment.

Vacancies.

The Commissioners so named shall meet at Washington at the earliest convenient period after they have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, all such claims as shall be laid before them on the part of the Governments of the United States and of Her Britannic Majesty, respectively; and such declaration shall be entered on the record of their proceedings.

Their powers and duties.

ARTICLE XIII.

Claims to be investigated.

The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to them. They shall investigate and decide such claims in such order and such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of, or in answer to, any claim, and to hear, if required, one person on each side, on behalf of each Government, as counsel or agent for such Government, on each and every separate claim. A majority of the Commissioners shall be sufficient for an award in each case. The award shall be given

A majority to decide.

upon each claim in writing, and shall be signed by the Commissioners assenting to it. It shall be competent for each Government to name one person to attend the Commissioners as its agent, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

Award in each claim.

Agent of each Government.

The high contracting parties hereby engage to consider the decision of the Commissioners as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

Decisions to be final.

See Article XVII.

ARTICLE XIV.

Every claim shall be presented to the Commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners, and then, and in any such case, the period for presenting the claim may be extended by them to any time not exceeding three months longer.

Claims, when to be presented to the Commissioners.

The Commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting. It shall be competent for the Commissioners to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this treaty.

When to be decided.

Commissioners to decide if any case is properly before them.

ARTICLE XV.

All sums of money which may be awarded by the Commissioners on account of any claim shall be paid by the one Government to the other, as the case may be, within twelve months after the date of the final award, without interest, and without any deduction save as specified in Article XVI of this treaty.

Awards, when to be paid.

ARTICLE XVI.

The Commissioners shall keep an accurate record, and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary, and any other necessary officer, or officers, to assist them in the transaction of the business which may come before them.

Records.

Secretary.

Each Government shall pay its own Commissioner and Agent or Counsel. All other expenses shall be defrayed by the two Governments in equal moieties.

Expenses.

The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded.

To be charged upon awards.

Not over five per cent.

ARTICLE XVII.

The high contracting parties engage to consider the result of the proceedings of this commission as a full, perfect, and final settlement of all such claims as are mentioned in Article XII of this treaty upon either Government; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the

Decisions of Commissioners to be final upon all claims that are mentioned in Article XII.

said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

ARTICLE XVIII.

Right of the inhabitants of the United States in certain sea fisheries in common.

It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks, of the provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

See Articles XXXII and XXXIII.

Liberty applicable solely to sea fishery.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

ARTICLE XIX.

Rights in common of British subjects in certain sea fisheries on certain coasts of the United States.

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern sea coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

See Articles XXXII and XXXIII.

Proviso.

Liberty applicable only to sea fishery.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE XX.

Certain places reserved from the common right of fishing.

It is agreed that the places designated by the Commissioners appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's

dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the commission appointed under the said first article of the treaty of the 5th of June, 1854.

See Articles XXXII and XXXIII.

Commission to designate such places.

ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish oil and fish of all kinds, (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

Certain fish oil and fish to be free of duty.

See Articles XXXII and XXXIII.

ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

Commissioners to determine the compensation, if any, to be paid by the United States for privileges granted by Article XVIII of this treaty.

Award, when to be paid.

ARTICLE XXIII.

The Commissioners referred to in the preceding article shall be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of

Commissioners, how to be appointed.

Vacancies.

such substitution being calculated from the date of the happening of the vacancy.

When and where to meet.

The Commissioners so named shall meet in the city of Halifax, in the province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Their powers and duties.

Agents for each Government.

Each of the high contracting parties shall also name one person to attend the commission as its Agent, to represent it generally in all matters connected with the commission.

ARTICLE XXIV.

Conduct of proceedings before these Commissioners.

The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this treaty shall determine. They shall be bound to receive such oral or written testimony as either Government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

Documents and papers.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

Cases to be closed in six months.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty.

Awards.

ARTICLE XXV.

Records.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them

Secretary.

Each of the high contracting parties shall pay its own Commissioner and Agent or Counsel; all other expenses shall be defrayed by the two Governments in equal moieties.

Expenses.

ARTICLE XXVI.

Navigation of the St. Lawrence to be free.

The navigation of the river St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States,

subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

The navigation of the rivers Yukon, Porcupine, and Stikine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation. Of other rivers.

ARTICLE XXVII.

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States. The use on terms of equality of certain canals by citizens of both countries, to be urged.

ARTICLE XXVIII.

The navigation of Lake Michigan shall also, for the term of years mentioned in Article XXXIII of this treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States or of the States bordering thereon not inconsistent with such privilege of free navigation. Navigation of Lake Michigan.

ARTICLE XXIX.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may, from time to time, be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States. Provisions for the conveyance in transit through territory of the United States of certain merchandise imported at certain ports of the United States, and of goods intended for export.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations, Reciprocal provisions as to conveyance in transit through British territory.

and conditions for the protection of the revenue, as the Governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

ARTICLE XXX.

British subjects may carry in British vessels goods free of duty from certain ports of the United States to other such ports, if part of such carriage is through Canada by land and in bond.

It is agreed that, for the terms of years mentioned in Article XXXIII of this treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: Provided, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Reciprocal privileges granted to citizens of the United States.

Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the possessions of Her Britannic Majesty in North America, to another port or place within the said possessions: Provided, That a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

Provision as to export duties on goods carried under this article.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the Legislatures of the other colonies not to impose any export duties on goods, wares, or merchandise carried under this article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favor of the subjects of Her Britannic Majesty.

Privileges granted by this article may be suspended in a certain event.

The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals of the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

ARTICLE XXXI.

Provision as to duty on lumber cut in Maine, floated down the St. John and shipped to the United States from New Brunswick.

The Government of Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislature of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to

the United States from the province of New Brunswick. And, in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of this treaty, it is agreed that the Government of the United States may suspend the right of carrying hereinbefore granted under Article XXX of this treaty for such period as such export or other duty may be levied.

ARTICLE XXXII.

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

Provisions of Articles XVIII to XXV to extend to Newfoundland

Proviso.

ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

Time for Articles XVIII to XXV and Article XXX to take effect.

How long to continue.

ARTICLE XXXIV.

Whereas it was stipulated by Article I of the treaty concluded at Washington on the 15th of June, 1846, between the United States and Her Britannic Majesty, that the line of boundary between the territories of the United States and those of Her Britannic Majesty, from the point of the forty-ninth parallel of north latitude up to which it had already been ascertained, should be continued westward along the said parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly, through the middle of the said channel and of Fuca Straits, to the Pacific Ocean;" and whereas the Commissioners appointed by the two high contracting parties to determine that portion of the boundary which runs southerly through the middle of the channel aforesaid, were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should, under the terms of the treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective

The decision as to a portion of the boundary line between the United States and British Possessions west of the Rocky Mountains under the first article of the treaty of June 15, 1846, to be left to the arbitration of the Emperor of Germany.

claims of the Government of the United States and of the Government of Her Britannic Majesty shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above-mentioned article of the said treaty, shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the treaty of June 15, 1846.

ARTICLE XXXV.

Award of the Emperor of Germany; its form and effect, and how delivered.

The award of His Majesty the Emperor of Germany shall be considered as absolutely final and conclusive; and full effect shall be given to such award without any objection, evasion, or delay whatsoever. Such decision shall be given in writing and dated; it shall be in whatsoever form His Majesty may choose to adopt; it shall be delivered to the Representatives or other public Agents of the United States and of Great Britain, respectively, who may be actually at Berlin, and shall be considered as operative from the day of the date of the delivery thereof.

ARTICLE XXXVI.

The case of the two parties to be laid before the Arbitrator; how and within what time.

The written or printed case of each of the two parties, accompanied by the evidence offered in support of the same, shall be laid before His Majesty the Emperor of Germany within six months from the date of the exchange of the ratifications of this treaty, and a copy of such case and evidence shall be communicated by each party to the other, through their respective Representatives at Berlin.

The high contracting parties may include in the evidence to be considered by the Arbitrator such documents, official correspondence, and other official or public statements bearing on the subject of the reference as they may consider necessary to the support of their respective cases.

After the written or printed case shall have been communicated by each party to the other, each party shall have the power of drawing up and laying before the Arbitrator a second and definitive statement, if it think fit to do so, in reply to the case of the other party so communicated, which definitive statement shall be so laid before the Arbitrator, and also be mutually communicated in the same manner as aforesaid, by each party to the other, within six months from the date of laying the first statement of the case before the Arbitrator.

ARTICLE XXXVII.

Papers and documents.

Further evidence.

If, in the case submitted to the Arbitrator, either party shall specify or allude to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof, and either party may call upon the other, through the Arbitrator, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrator may require. And if the Arbitrator should desire further elucidation or evidence with regard to any point contained in the statements laid before him, he shall be at liberty to require it from either party, and he shall be at liberty to hear one Counsel or Agent for each party, in relation to any matter, and at such time, and in such manner, as he may think fit.

ARTICLE XXXVIII.

The Representatives or other public Agents of the United States and of Great Britain at Berlin, respectively, shall be considered as the Agents of their respective Governments to conduct their cases before the Arbitrator, who shall be requested to address all his communications and give all his notices to such Representatives or other public Agents, who shall represent their respective Governments generally, in all matters connected with the arbitration.

Agents of each Government before the Arbitrator.

ARTICLE XXXIX.

It shall be competent to the Arbitrator to proceed in the said arbitration, and all matters relating thereto, as and when he shall see fit, either in person, or by a person or persons named by him for that purpose, either in the presence or absence of either or both Agents, and either orally, or by written discussion or otherwise.

Arbitrator to proceed in said arbitration in person.

ARTICLE XL.

The Arbitrator may, if he think fit, appoint a Secretary, or Clerk, for the purposes of the proposed arbitration, at such rate of remuneration as he shall think proper. This, and all other expenses of and connected with the said arbitration, shall be provided for as hereinafter stipulated.

Secretary or Clerk.

ARTICLE XLI.

The Arbitrator shall be requested to deliver, together with his award, an account of all the costs and expenses which he may have been put to, in relation to this matter, which shall forthwith be repaid by the two Governments in equal moieties.

Costs and expenses and how to be paid.

ARTICLE XLII.

The Arbitrator shall be requested to give his award in writing as early as convenient after the whole case on each side shall have been laid before him, and to deliver one copy thereof to each of the said Agents.

Form of award, and when and how to be delivered.

ARTICLE XLIII.

The present treaty shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged either at Washington or at London within six months from the date hereof, or earlier if possible.

Ratifications.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Washington the eighth day of May, in the year of our Lord one thousand eight hundred and seventy-one.

[SEAL.]	HAMILTON FISH.
[SEAL.]	ROBT. C. SCHENCK.
[SEAL.]	SAMUEL NELSON.
[SEAL.]	EBENEZER ROCKWOOD HOAR.
[SEAL.]	GEO. H. WILLIAMS.
[SEAL.]	DE GREY & RIPON.
[SEAL.]	STAFFORD H. NORTHCOTE.
[SEAL.]	EDWD. THORNTON.
[SEAL.]	JOHN A. MACDONALD.
[SEAL.]	MOUNTAGUE BERNARD.

AWARD OF THE EMPEROR OF GERMANY UNDER THE XXXIVTH ARTICLE OF THE TREATY OF MAY 8, 1871, GIVING THE ISLAND OF SAN JUAN TO THE UNITED STATES.

[Translation.]

We, William, by the grace of God, German Emperor, King of Prussia, &c., &c., &c.

After examination of the Treaty concluded at Washington on the 6th* of May, 1871, between the Governments of Her Britannic Majesty and of the United States of America, according to which the said Governments have submitted to Our Arbitrament the question at issue between them, whether the boundary-line which, according to the Treaty of Washington of June 15, 1846, after being carried westward along the forty-ninth parallel of northern latitude to the middle of the channel which separates the continent from Vancouver's Island is thence to be drawn southerly through the middle of the said channel and of the Fuca Straits to the Pacific Ocean, should be drawn through the Rosario Channel as the Government of Her Britannic Majesty claims, or through the Haro Channel as the Government of the United States claims; to the end that We may finally and without appeal decide which of these claims is most in accordance with the true interpretation of the treaty of June 15, 1846.

After hearing the report made to Us by the experts and jurists summoned by Us upon the contents of the interchanged memorials and their appendices—

Have decreed the following award:

Most in accordance with the true interpretations of the Treaty concluded on the 15th of June, 1846, between the Governments of Her Britannic Majesty and of the United States of America, is the claim of the Government of the United States that the boundary-line between the territories of Her Britannic Majesty and the United States should be drawn through the Haro Channel.

Authenticated by Our Autographic Signature and the impression of the imperial great seal.

Given at Berlin, October the 21st, 1872.

[SEAL.]

WILLIAM.

1873.

CONVENTION RESPECTING PLACES FOR HOLDING SESSIONS OF THE COMMISSIONERS UNDER THE TWELFTH ARTICLE OF THE TREATY OF MAY 8, 1871.

Concluded January 18, 1873; *Ratifications exchanged at Washington April* 10, 1873; *Proclaimed April* 15, 1873.

Whereas, pursuant to the XIIth Article of the treaty between the United States and Her Britannic Majesty of the 8th of May, 1871, it was stipulated that the Commissioners therein provided for should meet at Washington; but whereas it has been found inconvenient in the summer season to hold those meetings in the city of Washington, in order to avoid such inconvenience, the President of the United States

* So in the original. The date of the treaty is, however, May 8th.

has invested Hamilton Fish, Secretary of State, with full power, and Her Britannic Majesty has invested the Right Honourable Sir Edward Thornton, one of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, with like power, who having met and examined their respective powers, which were found to be in proper form have agreed upon the following

Negotiators.

ADDITIONAL ARTICLE.

It is agreed that the sessions of the Commissioners provided for by the twelfth Article of the Treaty between the United States and Her Britannic Majesty of the 8th of May 1871, need not be restricted to the city of Washington, but may be held at such other place within the United States as the commission may prefer.

Additional article. Sessions of the commissioners may be held at such place within the United States as the Commission may prefer.

The present Additional Article shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible thereafter.

Ratifications.

In witness whereof, we the respective Plenipotentiaries have signed the same and have hereunto affixed our respective seals.

Done in duplicate at the city of Washington, the eighteenth day of January, in the year of our Lord one thousand eight hundred and seventy-three.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

1873.

PROTOCOL OF A CONFERENCE AT WASHINGTON, MARCH 10, 1873, RESPECTING THE NORTHWEST WATER-BOUNDARY.

Whereas it was provided by the first article of the treaty between the United States of America and Great Britain, signed at Washington on the 15th of June 1846, as follows:

"ARTICLE I.

"From the point on the 49th Parallel of North Latitude, where the Boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of Boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said 49th parallel of North Latitude, to the middle of the channel which separates the Continent from Vancouver's Island; and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific Ocean; *Provided, however*, That the navigation of the whole of the said channel and straits, south of the 49th parallel of North Latitude, remain free and open to both parties."

And whereas it was provided by the XXXIVth Article of the Treaty between the United States of America and Great Britain, signed at Washington on the 8th of May, 1871, as follows:

"ARTICLE XXXIV.

"Whereas it was stipulated by Article I of the Treaty concluded at Washington on the 15th of June 1846, between the United States and Her Britannic Majesty, that the line of boundary between the territories of the United States and those of Her Britannic Majesty, from the point on the 49th parallel of North Latitude up to which it had already been ascertained, should be continued westward along the said parallel of North Latitude to the middle of the channel which separates the Continent from Vancouver's Island, and thence southerly, through the middle of the said channel and of Fuca's Straits to the Pacific Ocean—and whereas the commissioners appointed by the two high contracting parties to determine that portion of the Boundary which runs southerly through the middle of the channel aforesaid were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should under the terms of the Treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of the United States, and of the Government of Her Britannic Majesty, shall be submitted to the arbitration and award of His Majesty the Emperor of Germany who having regard to the abovementioned article of the said Treaty, shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the treaty of June 15th, 1846."

And whereas His Majesty, the Emperor of Germany has, by his award dated the 21st of October 1872, decided that "Mit der richtigen Auslegung des zwischen den Regierungen Ihrer Britischen Majestät und der Vereinigten Staaten von Amerika geschlossenen Vertrages de dato Washington den 15 Juni 1846, steht der Auspruch der Regierung der Vereinigten Staaten am meisten im Einklange, dass die Grenzlinie zwischen den Gebieten Ihrer Britischen Majestät und den Vereinigten Staaten durch den Haro-Kanal gezogen warde."

The undersigned Hamilton Fish Secretary of State of the United States, and the Right Honourable Sir Edward Thornton, one of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and Rear-Admiral James Charles Prevost, Commissioner of Her Britannic Majesty in respect of the boundary aforesaid, duly authorized by their respective Governments to trace out and mark on charts prepared for that purpose, the line of Boundary in conformity with the award of His Majesty, the Emperor of Germany, and to complete the determination of so much of the Boundary line between the territory of the United States and the possessions of Great Britain, as was left uncompleted by the commissioners heretofore appointed to carry into effect the First Article of the Treaty of 15th June 1846, have met together at Washington, and have traced out and marked the said Boundary line on four charts, severally entitled—"North America, West Coast, Strait of Juan de Fuca and the channels between the Continent and Vancouver Id., showing the Boundary line between British and American Possessions, from the admiralty surveys by Captains H. Kellett R. N. 1847, and G. H. Richards, R. N., 1858–1862" and having on examination agreed that the lines so traced out and marked on the respective charts are identical, they have severally signed the said charts on behalf of their respective Govern-

Boundary-line between the United States and the possessions of Great Britain.

ments, two copies thereof to be retained by the Government of the United States, and two copies thereof to be retained by the Government of Her Britannic Majesty, to serve with the "definition of the Boundary line," attached hereto, showing the general bearings of the line of Boundary as laid down on the charts, as a perpetual record of agreement between the two Governments in the matter of the line of Boundary between their respective dominions under the First Article of the Treaty concluded at Washington on the 15th of June 1846.

In witness whereof the undersigned have signed this Protocol and have hereunto affixed their seals.

Done in duplicate at Washington, this tenth day of March in the year 1873.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.
[SEAL.] JAMES C. PREVOST.

DEFINITION OF THE BOUNDARY-LINE.

The chart upon which the Boundary Line between the British and United States Possessions is laid down, is entitled "North America, West Coast, Strait of Juan de Fuca and the channels between the continent and Vancouver Id., showing the Boundary line between British and American Possessions, from the Admiralty surveys by Captains H. Kellett, R N, 1847, and G H Richards, R N, 1858–1862."

The Boundary line thus laid down on the chart is a black line shaded red on the side of the British possessions and blue on the side of the possessions of the United States

The Boundary line thus defined commences at the point on the 49th parallel of North Latitude on the west side of Point Robarts which is marked by a stone monument, and the line is continued along the said parallel to the middle of the channel which separates the Continent from Vancouver Island, that is to say to a point in Longitude 123° 19′ 15″ W, as shown in the said chart. Definition of the line.

It then proceeds in a direction about S 50° E (true) for about fifteen geographical miles, when it curves to the southward passing equidistant between the west point of Patos Island and the east point of Saturna Island until the point midway on a line drawn between Turnpoint on Stewart Island and Fairfax point on Moresby Island bears S. 68° W, (true,) distant ten miles then on a course south 68° W, (true,) ten miles to the said point midway between Turnpoint on Stewart Island and Fairfax Point on Moresby Island, thence on a course about south 12° 30′ east (true) for about eight and three quarter miles to a point due east one mile from the northernmost Kelp Reef which reef on the said chart is laid down as in Latitude 48° 33′ north and in longitude 123° 15′ west, then its direction continues about S 20° 15′ east (true) six and one-eighth miles to a point midway between Sea Bird Point on Discovery Island and Pile Point on San Juan Island thence in a straight line S 45° E (true) until it touches the North end of the middle Bank in between 13 and 18 fathoms of water; from this point the line takes a general S 28° 30′ W direction (true) for about ten miles when it reaches the center of the fairway of the Strait of Juan de Fuca, which by the chart is in the Latitude of 48° 17′ north and longitude 123° 14′ 40″ W.

Thence the line runs in a direction S. 73° W (true) for twelve miles to a point on a straight line drawn from the lighthouse on Race Island to Angelos Point midway between the same.

Thence the line runs through the center of the Strait of Juan de Fuca

first in a direction N. 80° 30′ W about 5¾ miles to a point equidistant on a straight line between Beechey Head on Vancouver Island and Tongue Point on the shore of Washington Territory, *second* in a direction N. 76° W, about 13½ miles to a point equidistant in a straight line between Sherringham Point on Vancouver Island and Pillar Point on the shore of Washington Territory, *third*, in a direction N. 68 W, about 30¾ miles to the Pacific Ocean at a point equidistant between Bonilla Point on Vancouver Island and Tatooch Island lighthouse on the American shore—the line between the points being nearly due North and South (true.)

The courses and distances as given in the foregoing description are not assumed to be perfectly accurate but are as nearly so as is supposed to be necessary to a practical definition of the line laid down on the chart and intended to be the Boundary line.

HAMILTON FISH.
EDWD. THORNTON.
JAMES C. PREVOST.

1873.

PROTOCOL OF A CONFERENCE HELD AT WASHINGTON, JUNE 7, 1873, SETTING THE TIME AT WHICH ARTICLES 18 TO 25, AND ARTICLE 30 OF THE TREATY OF MAY 8, 1871, SHOULD GO INTO EFFECT, WITH RESPECT TO PRINCE EDWARD'S ISLAND.

Whereas it is provided by Article XXXIII of the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, signed at Washington on the 8th of May, 1871, as follows:—

"ARTICLE XXXIII.

"The foregoing Articles, XVIII to XXV, inclusive, and Article XXX of this Treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation, and further until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward."

And whereas, in accordance with the stipulations of the above recited Article, an Act was passed by the Imperial Parliament of Great Britain in the 35th and 36th years of the reign of Queen Victoria, intituled "An Act to carry into effect a Treaty between Her Majesty and the United States of America."

And whereas an Act was passed by the Senate and House of Commons of Canada in the fifth session of the First Parliament, held in the thirty-fifth year of Her Majesty's Reign, and assented to in Her Majesty's name, by the Governor General on the Fourteenth day of June, 1872, intituled "An Act relating to the Treaty of Washington 1871."

And whereas an Act was passed by the Legislature of Prince Edward's Island and assented to by the Lieutenant Governor of that Colony on the 29th day of June, 1872, intituled "An Act relating to the Treaty of Washington, 1871."

And whereas an Act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, and approved on the first day of March 1873, by the President of the United States, intituled "An Act to carry into effect the provisions of the Treaty between the United States and Great Britain, signed in the city of Washington, the eighth day of May, eighteen hundred and seventy-one, relating to Fisheries."

The undersigned Hamilton Fish, Secretary of State of the United States, and the Right Honourable Sir Edward Thornton, one of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, having met together at Washington and having found that the laws required to carry the Articles XVIII to XXV inclusive, and Article XXX of the Treaty aforesaid into operation have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one part, and by the Congress of the United States on the other, hereby declare that Articles XVIII to XXV inclusive, and Article XXX of the Treaty between Her Britannic Majesty and the United States of America of the 8th of May, 1871, will take effect on the First day of July next.

Negotiators.

When Articles XVIII to XXV and Article XXX of the treaty of May 8, 1871, will take effect.

In witness whereof the undersigned have signed this Protocol, and have hereunto affixed their seals.

Done in duplicate at Washington, this Seventh day of June, 1873.

[SEAL.] HAMILTON FISH.

[SEAL.] EDWD. THORNTON.

1874.

PROTOCOL OF A CONFERENCE HELD AT WASHINGTON MAY 28, 1874 SETTING THE TIME AT WHICH ARTICLES 18 TO 25, AND ARTICLE 30 OF THE TREATY OF MAY 8, 1871, SHOULD GO INTO EFFECT WITH RESPECT TO NEWFOUNDLAND.

Whereas it is provided by Article XXXII of the Treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, signed at Washington on the 8th of May, 1871, as follows:

"ARTICLE XXXII.

"It is further agreed that the provisions and stipulations of articles XVIII to XXV of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law

to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty."

And whereas an Act was passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved on the first day of March 1873, by the President of the United States entitled "An Act to carry into effect the provisions of the Treaty between the United States and Great Britain signed in the city of Washington the eighth of May 1871, relating to fisheries—" by which Act it is provided:

"SEC. 2. That whenever the Colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said Articles eighteenth to twenty-fifth of said Treaty, inclusive, to that Colony, and the Legislature thereof, and the Imperial Parliament shall pass the necessary laws for that purpose, the above enumerated Articles, being the produce of the fisheries of the Colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said Colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said Articles eighteenth to twenty-fifth inclusive, of the said Treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said Articles eighteenth to twenty-fifth inclusive, and Article thirtieth of said Treaty, shall remain in force, according to the terms and conditions of Article thirty-third of said Treaty."

And whereas an Act was passed by the Governor Legislative Council and Assembly of Newfoundland in Legislative session convened in the thirty-seventh year of Her Majesty's reign and assented to by Her Majesty on the twelfth day of May 1874, entitled "An Act to carry into effect the provisions of the Treaty of Washington as far as they relate to this Colony."

Negotiators.

The undersigned Hamilton Fish, Secretary of State of the United States and the Right Honorable Sir Edward Thornton, one of Her Majesty's Most Honorable Privy Council, Knight Commander of the Most Honorable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America duly authorized for this purpose by their respective Governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV, inclusive, and Articles XXX and XXXII of the Treaty aforesaid into operation have been passed by the Congress of the United States on the one part, and by the Imperial Parliament of Great Britain, by the Parliament of Canada and by the Legislature of Prince Edward's Island and the Legislature of Newfoundland on the other, hereby declare that Articles XVIII to XXV inclusive, and Article XXX of the Treaty between the United States of America and Her Britannic Majesty, shall take effect in accordance with Article XXXIII of said Treaty between the citizens of the United States of America and Her Majesty's subjects in the Colony of Newfoundland on the first day of June next.

When Articles XVIII to XXV, and Article XXX, of the treaty of May 8, 1871, will take effect.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington this twenty-eighth day of May 1874.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

1877.

DECLARATION RESPECTING TRADE-MARKS.

Concluded October 24, 1877; *ratification advised by Senate May* 22, 1878; *ratified by President May* 25, 1878; *proclaimed July* 17, 1878.

The Government of the United States of America, and the Government of her Majesty the Queen of the United Kingdom of Great Britain and Ireland, with a view to the reciprocal protection of the marks of manufacture and trade in the two countries, have agreed as follows:

The subjects or citizens of each of the contracting parties shall have, in the dominions and possessions of the other, the same rights as belong to native subjects or citizens, or as are now granted or may hereafter be granted to the subjects and citizens of the most favored nation, in everything relating to property in trade-marks and trade-labels.

Reciprocal rights respecting trade-marks.

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

In witness whereof the undersigned have signed the present declaration, and have affixed thereto the seal of their arms.

Done at London, the twenty-fourth day of October, 1877.

[SEAL.] EDWARDS PIERREPONT.
[SEAL.] DERBY.

GREECE.

1837.

TREATY OF COMMERCE AND NAVIGATION.

Concluded December 10–22, 1837; *ratifications exchanged at London June* 13–25, 1838; *proclaimed August* 30, 1838.

The United States of America and His Majesty the King of Greece, equally animated with the sincere desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States; of extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity, equally beneficial to both countries; have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, and for that purpose have appointed Plenipotentiaries:

Negotiators.

The President of the United States of America, Andrew Stevenson, Envoy Extraordinary and Minister Plenipotentiary of the United States near the court of Her Britannic Majesty; and His Majesty the King of Greece, Spiridion Tricoupi, Councillor of State on Special Service, his Envoy Extraordinary and Minister Plenipotentiary near the same court, Grand Commander of the Royal Order of the Saviour, Grand Cross of the American Order of Isabella the Catholic;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Citizens of each party at liberty to reside in the territories of the other.

The citizens and subjects of each of the two high contracting parties may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers of the territories of the other, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories; to rent and occupy houses and warehouses for their commerce; and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on conditions of their submitting to the laws and ordinances of the respective countries.

ARTICLE II.

Tonnage duties.

Greek vessels arriving, either laden or in ballast, into the ports of the United States of America, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming

from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever; and, reciprocally, the vessels of the United States of America arriving, either laden or in ballast, into the ports of the Kingdom of Greece, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever.

ARTICLE III.

All that may be lawfully imported into the United States of America, in vessels of the said States, may also be thereinto imported in Greek vessels, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels. Freedom of importation.

And, reciprocally, all that may be lawfully imported into the Kingdom of Greece, in Greek vessels, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

ARTICLE IV.

All that may be lawfully exported from the United States of America, in vessels of the said States, may also be exported therefrom in Greek vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels. Freedom of exportation.

And, reciprocally, all that may be lawfully exported from the Kingdom of Greece, in Greek vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ARTICLE V.

It is expressly understood that the foregoing second, third, and fourth articles are not applicable to the coastwise navigation from one port of the United States of America to another port of the said States, nor to the navigation from one port of the Kingdom of Greece to another port of the said Kingdom; which navigation each of the two high contracting parties reserves to itself. Coasting trade.

ARTICLE VI.

Neither party to grant any preference to any importations over those made in vessels of the other.

Each of the two high contracting parties engages not to grant in its purchases, or in those which might be made by companies or agents acting in its name, or under its authority, any preference to importations made in its own vessels, or in those of a third Power, over those made in the vessels of the other contracting party.

ARTICLE VII.

Duties.

The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties of any kind or denomination which shall be higher or other than those which shall be imposed on every other navigation, except that which they have reserved to themselves, respectively, by the fifth article of the present treaty.

ARTICLE VIII.

No prohibition.

There shall not be established in the United States of America, upon the products of the soil or industry of the Kingdom of Greece, any prohibition, or restriction, of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties shall likewise be established upon articles of like nature, the growth of any other country.

And, reciprocally, there shall not be established in the Kingdom of Greece, on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties be likewise established upon articles of like nature, the growth of any other country.

ARTICLE IX.

Privileges of transit.

All privileges of transit, and all bounties and drawbacks which may be allowed within the territories of one of the high contracting parties, upon the importation or exportation of any article whatsoever, shall likewise be allowed on the articles of like nature, the products of the soil, or industry of the other contracting party, and on the importations and exportations made in its vessels.

ARTICLE X.

Vessels entering the ports of either party, but not wishing to unload.

The citizens or subjects of one of the high contracting parties, arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port; or, after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage without paying any other duties, imposts, or charges whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of light-houses, when such duties shall be levied on national vessels in similar cases.

Custom-house regulations.

It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation and the places and ports which they may enter, as are, or shall be, in force with regard to national vessels, and that the custom-house officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

Article XI.

It is further agreed that the vessels of one of the high contracting parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes as the captain or owner may wish, and that they may freely depart with the remainder without paying any duties, imposts, or charges whatsoever, except for that part which shall have been landed, and which shall be marked upon and erased from the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the custom-house of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away, and with which it may continue its voyage to one or several other ports of the same country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted on paying the duties chargeable upon it, or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges of the same description shall be demanded anew in the ports of the same country, which such vessels might afterwards wish to enter, unless national vessels be in similar cases subject to some ulterior duties.

Vessels unloading part of their cargo.

Duties chargeable on the vessels.

Article XII.

Each of the high contracting parties grants to the other the privilege of appointing in its commercial ports and places Consuls, Vice-Consuls, and commercial agents, who shall enjoy the full protection and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct with respect to the laws or Government of the country in which said Consuls, Vice-Consuls, or commercial agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the consulate shall be exempt from all search, and shall be carefully preserved under the seals of the Consuls, Vice-Consuls, or commercial agents, and of the authority of the place where they may reside.

Consuls.

Archives of consulates.

The Consuls, Vice-Consuls, or commercial agents, or the persons duly authorized to supply their places, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

Consuls to judge and arbitrate in certain cases.

Article XIII.

The said Consuls, Vice-Consuls, or commercial agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country; and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or commercial agents, and may be confined in the public prisons at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

Deserters, when and how arrested, and how to be disposed of.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article XIV.

In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked or in danger, and passports shall be granted to them to return to their country. The shipwrecked vessels and merchandise, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels in the same circumstances; and the salvage companies shall not compel the acceptance of their services except in the same cases and after the same delays as shall be granted to the captains and crews of national vessels. Moreover, the respective Governments will take care that these companies do not commit any vexatious or arbitrary acts.

Assistance to shipwrecked vessels.

Article XV.

It is agreed that vessels arriving directly from the United States of America at a port within the dominions of His Majesty the King of Greece, or from the Kingdom of Greece at a port of the United States of America, and provided with a bill of health granted by an officer having competent power to that effect at the port whence such vessel shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health officer of the port where such vessels shall have arrived, after which said vessels shall be allowed immediately to enter and unload their cargoes: Provided, always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not during their passage have communicated with any vessel liable itself to undergo a quarantine,

Quarantine.

and that the country whence they came shall not at that time be so far infected or suspected that before their arrival an ordinance had been issued, in consequence of which all vessels coming from that country should be considered as suspected, and consequently subject to quarantine.

ARTICLE XVI.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall during the same voyage attempt a second time to enter the same blockaded port, during the continuance of said blockade, shall then subject themselves to be detained and condemned.

Merchant vessels attempting to enter a blockaded port.

ARTICLE XVII.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications, and if, before the expiration of the first nine years, neither of the high contracting parties shall have announced by an official notification to the other its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

Duration of treaty.

ARTICLE XVIII.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by His Majesty the King of Greece, and the ratifications to be exchanged at London within the space of twelve months from the signature, or sooner if possible.

Ratifications.

In faith whereof the respective Plenipotentiaries of the high contracting parties have signed the present treaty, both in English and French, and have affixed thereto their seals.

Done in duplicate at London, the $\frac{\text{tenth}}{\text{twenty-second}}$ of December, in the year of our Lord one thousand eight hundred and thirty-seven.

[SEAL.] A. STEVENSON.
[SEAL.] S. TRICOUPI.

GUATEMALA.

1849.*

GENERAL CONVENTION OF PEACE, AMITY, COMMERCE, AND NAVIGATION.

Concluded March 3, 1849; *ratifications exchanged at Guatemala May* 13, 1852; *proclaimed July* 28, 1852.

The United States of America and the Republic of Guatemala, desiring to make firm and permanent the peace and friendship which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace, friendship, commerce, and navigation.

For this most desirable object the President of the United States of America has conferred full powers on Elijah Hise, Chargé d'Affaires of the United States near the Government of the Republic of Guatemala and the Executive Power of the Government of the said Republic on the Sr. Licdo. Dn. José Mariano Rodriguez, Secretary of State and of the Department of Foreign Relations; who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

Negotiators.

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Guatemala, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

Peace and friendship.

ARTICLE II.

The United States of America and the Republic of Guatemala, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Most favored nation.

ARTICLE III.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and

Right to navigate and trade.

* See notes: "Abrogated, suspended, or obsolete treaties."

countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved to the parties respectively, according to their own separate laws.

Coasting trade.

ARTICLE IV.

They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Guatemala; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and, in like manner, that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time lawfully imported into the Republic of Guatemala in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country, may be in like manner exported or re-exported in vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Guatemala.

No discrimination in tonnage duties.

ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of Guatemala, and no higher or other duties shall be imposed on the importation into the Republic of Guatemala of any articles the produce or manufactures of the United States, than are or shall be payable in like articles being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Republic of Guatemala, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Guatemala, to or from the territories of the United States, or to or from the territories of the Republic of Guatemala, which shall not equally extend to all other nations.

No discriminating duties on account of nationality of imports.

ARTICLE VI.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchan-

Privileges of citizens of one nation in the territory of the other in business affairs.

dise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favoured nation.

Article VII.

No embargo or detention for military purposes.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, not for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

Article VIII.

Vessels of either party seeking refuge in the ports of the other.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favour and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

Article IX.

Property captured by pirates.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limit of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective Governments.

Article X.

Shipwrecks.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel (if necessary) of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, provided the same be exported.

Article XI.

Real or personal estate held by citizens of either nation in the other.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, by themselves, or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country where said goods

are or shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same as they may think proper, and to withdraw the proceeds, without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

Article XII.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or of the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in [all*] cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

Property of citizens of one nation in the territory of the other.

Article XIII.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

Rights of conscience.

Burial.

Article XIV.

It shall be lawful for the citizens of the United States of America and of the Republic of Guatemala to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandises before mentioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one Power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, al-

Navigation and trade in time of war.

Free ships, free goods.

* The word *Todo* appears in the Spanish text but its equivalent *all* does not appear in the English text of the treaty.

though the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship unless they are officers or soldiers, and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

ARTICLE XV.

Neutral property in an enemy's vessel.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises of the neutral embarked in such enemy's ship shall be free.

ARTICLE XVI.

Contraband articles.

This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2dly. Bucklers, hemlets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use.

3dly. Cavalry belts, and horses with their furniture.

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE XVII.

Goods considered as free.

Blockade or siege.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XVIII.

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

Mode of proceeding when only part of the goods are contraband.

ARTICLE XIX.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either of the parties, that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Blockades and sieges.

ARTICLE XX.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible, with their persons and property; for which purpose, the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

Right of visitation and search.

ARTICLE XXI.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in

Ship's papers in case of a war.

war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties. They have likewise agreed, that such ships, being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE XXII.

Convoys.

It is further agreed that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIII.

Prize courts.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them, and whenever such tribunal of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXIV.

Commissions or letters of marque.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

ARTICLE XXV.

Case of war between the contracting nations.

If by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient

protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States of America and of the Republic of Guatemala shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVI.

Debts, in case of war.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares nor moneys which they may have in public funds or in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXVII.

Exemptions of Envoys.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and other public agents the same favours, immunities, and exemptions which those of the most favoured nation do or shall enjoy; it being understood that whatever favours, immunities, or privileges the United States of America or the Republic of Guatemala may find it proper to give to the Ministers and public agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXVIII.

Most favored nation privileges accorded to Consuls.

To make more effectual the protection which the United States of America and the Republic of Guatemala shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favoured nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

ARTICLE XXIX.

Exequaturs.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXX.

Rights of Consuls.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts,

and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in everything besides subject to the laws of the respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Consular archives.

ARTICLE XXXI.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause

Deserters.

ARTICLE XXXII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Consular convention.

ARTICLE XXXIII.

The United States of America and the Republic of Guatemala, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to, the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years. And it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be perpetually binding on both Powers.

Duration of treaty.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence

between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender or sanction such violation.

3dly. If (which indeed cannot be expected) unfortunately any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

Satisfaction to be demanded before war is declared.

4thly. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or States.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the Government of the Republic of Guatemala, and the ratifications shall be exchanged in the city of Washington or Guatemala within eighteen months, counted from the date of the signature hereof, or sooner if possible.

Ratifications.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Guatemala, have signed and sealed these presents, in the city of Guatemala, this third day of March, in the year of our Lord one thousand eight hundred and forty-nine.

[SEAL.] ELIJAH HISE.
[SEAL.] J. MARIANO RODRIGUEZ.

HAMBURG.

(*See* HANSEATIC REPUBLICS.)

HANOVER.

1840.*

TREATY OF COMMERCE AND NAVIGATION.

Concluded May 20, 1840; *ratifications exchanged at Berlin November* 14, 1840; *proclaimed January* 2, 1841.

The United States of America and His Majesty the King of Hanover, equally animated by the desire of extending as far as possible the commercial relations between, and the exchange of the productions of their respective States, have agreed, with this view, to conclude a treaty of commerce and navigation.

For this purpose, the President of the United States of America has furnished with full powers Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Prussia; and His Majesty the King of Hanover has furnished with the like full powers Le Sieur Auguste de Berger, his Envoy Entraordinary and Minister Plenipotentiary near His Majesty the King of Prussia, Lieutenant General, Knight Grand Cross of the Order of Guelph, the Red Eagle of Prussia, the Order of Merit of Oldenburg, &c.; Negotiators.

Who, after exchanging their said full powers, found in good and due form, have concluded and signed, subject to ratification, the following articles:

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. Freedom of commerce and navigation.

The inhabitants of their respective States shall mutually have liberty to enter, with or without their ships and cargoes, the ports, places, waters, and rivers of the territories of each party wherever foreign commerce is permitted.

They shall be permitted to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and also to hire and

* See notes: "Abrogated, suspended, or obsolete treaties."

occupy houses and warehouses for the purposes of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, in all the territories subject to the jurisdiction of each party, in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being, in all these cases, to be treated as the citizens or subjects of the country in which they reside, it being nevertheless understood that they shall remain subject to the said laws and regulations also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of the country to native citizens or subjects, for which purpose they may employ in defence of their rights such advocates, attorneys, and other agents as they may judge proper.

ARTICLE II.

No higher or other duties shall be imposed in any of the ports of the United States on Hanoverian vessels than those payable in the same ports by vessels of the United States; nor in the ports of the Kingdom of Hanover on the vessels of the United States than shall be payable in the same ports on Hanoverian vessels. No discrimination in duties on vessels.

The privileges secured by the present article to the vessels of the respective high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prize of war, or adjudged to be forfeited for a breach of the municipal laws of either of the parties, and belonging wholly to their citizens or subjects respectively, and of which the master, officers, and two-thirds of the crew shall consist of the citizens or subjects of the country to which the vessel belongs. Vessels to which the privileges secured by this article extend.

The same duties shall be paid on the importation into the ports of the United States of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of any other country belonging to the Germanic Confederation and the Kingdom of Prussia, from whatsoever ports of the said country the said vessels may depart, whether such importation shall be in vessels of the United States or in Hanoverian vessels; and the same duties shall be paid on the importation into the ports of the Kingdom of Hanover of any articles the growth, produce, or manufacture of the United States and of every other country of the continent of America and the West India Islands, from whatsoever ports of the said countries the vessels may depart, whether such importation shall be in Hanoverian vessels or the vessels of the United States. Reciprocal duties on imports.

The same duties shall be paid and the same bounties allowed on the exportation of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of any other country belonging to the Germanic Confederation and the Kingdom of Prussia, to the United States, whether such exportation shall be in vessels of the United States, or in Hanoverian vessels, departing from the ports of Hanover; and the same duties shall be paid and the same bounties allowed on the exportation of any articles the growth, produce, or man- Reciprocal duties on exports.

ufacture of the United States and of every other country on the continent of America and the West India Islands, to the Kingdom of Hanover, whether such exportation shall be in Hanoverian vessels or in vessels of the United States departing from the ports of the United States.

ARTICLE III.

No discrimination in duties on imports.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the Kingdom of Hanover, and no higher or other duties shall be imposed on the importation into the Kingdom of Hanover of any articles the growth, produce, or manufacture of the United States, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country.

No discrimination in duties on exports.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Kingdom of Hanover, or in Hanover on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the exportation or importation of any articles the growth, produce, or manufacture of the United States, or the Kingdom of Hanover, to or from the ports of said Kingdom or of the said United States, which shall not equally extend to all other nations.

ARTICLE IV.

Coasting trade.

The preceding articles are not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own citizens or subjects.

ARTICLE V.

No discrimination in purchase of imports on account of nationality of vessels importing same.

No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account or in reference to the national character of the vessel, whether it be of the one party or of the other in which such article was imported.

ARTICLE VI.

Liberty to appoint consuls.

The contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, agents, and commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of the nation are subjected in the same place.

Power of consuls relative to the vessels of their country and the masters and crews.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice-

Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. Deserters.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced his sentence, and such sentence shall have been carried into effect.

ARTICLE VII.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other, by sale, donation, testament, or otherwise. Privileges of citizens of one nation in the territory of the other.

Their personal representatives, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato.

They may take possession thereof, either by themselves or by others acting for them, at their will, and dispose of the same, paying such duties only as the inhabitants of the country wherein the said personal property is situate shall be subject to pay in like cases.

In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situate.

Where, on the decease of any person, holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicile, shall likewise be exempt from all duties of detraction or emigration on the part of the respective Governments.

ARTICLE VIII.

Shipwrecks. The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the property belonging to the citizens or subjects of the contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts, or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

Salvage. They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the operations of repair shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees on the part which they shall reload and carry away, except as are payable in the like cases by national vessels.

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen, and kept in a place of deposit, destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE IX.

Duration of treaty. The present treaty shall be in force for the term of twelve years from the date hereof; and further until the end of twelve months after the Government of the United States on the one part, or that of Hanover on the other, shall have given notice of its intention of terminating the same.

ARTICLE X.

Ratifications. The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of their Senate; and by His Majesty the King of Hanover; and the ratifications thereof shall be exchanged at the city of Berlin, within the space of ten months from this date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles as well in French as in English, and have affixed thereto the seals of their arms, declaring at the same time that the signature in the two languages shall not hereafter be cited as a precedent, nor in any manner prejudice the contracting parties.

Done in quadruplicate at the city of Berlin the twentieth day of May, in the year of our Lord one thousand eight hundred and forty, and the sixty-fourth of the Independence of the United States of America.

[SEAL.] HENRY WHEATON.
[SEAL.] AUGUSTUS DE BERGER.

1846.*

TREATY OF COMMERCE AND NAVIGATION.

Concluded June 10 1846; *ratifications exchanged at Hanover March* 5, 1847; *proclaimed April* 24, 1847.

The United States of America and His Majesty the King of Hanover, equally animated with a desire of placing the privileges of their navigation on a basis of the most extended liberality, and of affording otherwise every encouragement and facility for increasing the commercial intercourse between their respective States, have resolved to settle in a definitive manner the rules which shall be observed between the one and the other, by means of a treaty of navigation and commerce; for which purpose the President of the United States has conferred full powers on A. Dudley Mann, their Special Agent to His Majesty the King of Hanover; and His Majesty the King of Hanover has furnished with the like full powers the Baron George Frederick de Falcke, of his Privy Council, Knight Grand Cross of the Royal Guelphick Order; Negotiators.

Who, after exchanging their full powers, found in good and due form, have concluded and signed subject to ratification, the following articles.

ARTICLE I.

The high contracting parties agree that whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in vessels of the Kingdom of Hanover; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel of the United States or in a Hanoverian vessel. And in like manner, whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into the Kingdom of Hanover in its own vessels, may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the one party or the other. No discrimination in duties on vessels.

Whatever may be lawfully exported or re-exported by one party in its own vessels to any foreign country may, in like manner, be exported or re-exported in the vessels of the other And the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one party or the other. Nor shall higher or other charges of any kind be imposed in the ports of the one party on vessels of the other than are or shall be payable in the same ports by national vessels. No discrimination in duties, drawbacks, and bounties on exports.

And further, it is agreed that no higher or other toll shall be levied or collected at Brunshausen or Stade, on the River Elbe, upon the tonnage or cargoes of vessels of the United States, than is levied and collected upon the tonnage and cargoes of vessels of the Kingdom of Hanover; and the vessels of the United States shall be subjected to no charges, detention, or other inconvenience by the Hanoverian authorities, in passing the above-mentioned place, from which vessels of the Kingdom of Hanover are or shall be exempt. No discrimination in tolls.

* See notes: "Abrogated, suspended, or obsolete treaties."

ARTICLE II.

Coasting trade.

The preceding article is not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own subjects or citizens.

ARTICLE III.

No discrimination in purchase of imports on account of nationality of vessel importing same.

No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of or in reference to the national character of the vessel, whether it be of the one party or of the other, in which such article was imported.

ARTICLE IV.

Shipwrecks.

The ancient and barbarous right to wrecks of the sea shall remain entirely abolished with respect to the property belonging to the citizens or subjects of the high contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

No duties payable for unloading vessels for repairs except those charged to national vessels.

If the operations of repairs shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees on the part which they shall reload and carry away, except such as are payable in the like case by national vessels.

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE V.

To what vessels the privileges of this treaty shall extend.

The privileges secured by the present treaty to the respective vessels of the high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prize of war, or adjudged to be forfeited for a breach of the municipal laws of either of the high contracting parties, and belonging wholly to their citizens or subjects.

It is further stipulated that vessels of the Kingdom of Hanover may select their crews from any of the States of the Germanic Confederation, provided that the master of each be a subject of the Kingdom of Hanover.

ARTICLE VI.

No discrimination in duties on account of nationality of imports.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of its fisheries, and no higher or other duties shall be imposed on the importation into the Kingdom of Hanover of any articles the growth, produce, and manufacture of the United States, and of their fisheries,

than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country, or of its fisheries.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Kingdom of Hanover, or in Hanover on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country. No discrimination in duties on exports.

No prohibition shall be imposed on the importation or exportation of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of its fisheries, or of the United States or their fisheries, from or to the ports of said kingdom, or of the said United States, which shall not equally extend to all other Powers and States.

ARTICLE VII.

The high contracting parties engage, mutually, not to grant any particular favor to other nations in respect of navigation and duties of customs, which shall not immediately become common to the other party; who shall enjoy the same freely, if the concession was freely made, or on allowing a compensation, as near as possible, if the concession was conditional. Most favored nation.

ARTICLE VIII.

In order to augment, by all the means at its bestowal, the commercial relations between the United States and Germany, the Kingdom of Hanover hereby agrees to abolish the import duty on raw cotton, and also to abolish the existing transit duties upon leaves, stems, and strips of tobacco, in hogsheads or casks, raw cotton in bales or bags, whale oil in casks or barrels, and rice in tierces or half tierces. Import and transit duties on raw cotton and certain other articles abolished.

And, further, the Kingdom of Hanover obligates itself to levy no Weser tolls on the aforementioned articles, which are destined for, or landed in, ports or other places within its territory on the Weser; and it moreover agrees that if the States bordering upon said river shall consent at any time, however soon, to abolish the duties which they levy and collect upon said articles destined for ports or other places within the Hanoverian territory, the Kingdom of Hanover will readily abolish the Weser tolls upon the same articles destined for ports and places in such States. Weser tolls.

It being understood, however, that the aforesaid stipulations shall not be deemed to prohibit the levying, upon the said articles, a tax sufficient for defraying the expense of maintaining the regulation respecting transit goods. But in no case shall such tax exceed eight pfennigs Hanoverian currency (two cents United States currency) for one hundred pounds Hanoverian weight, (one hundred and four pounds United States weight.)

ARLICLE IX.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages Liberty to appoint consuls.

to which private individuals of their nation are subjected in the same place.

Power of consuls relative to the vessels of their country and the masters and crews.

The Consuls, Vice-Consuls, Commercial and Vice-Commercial Agents shall have the right as such to sit as judges and arbitrators, in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their own country.

The said Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country.

Application by consuls to governmental authorities.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Deserters.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice Consuls, Commercial Agents or Vice-Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

ARTICLE X.

Privileges of citizens of one nation in the territory of the other.

The subjects and citizens of the high contracting parties shall be permitted to sojourn and reside in all parts whatsoever of the said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purposes of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business in all the territories subject to the jurisdiction of each party, as well in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being in all these cases to be treated as the citizens or subjects of the country in which they reside; it being, nevertheless, understood that they shall remain subject to the said laws and regulations; also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigous affairs on the same terms which are granted by the law and usage of country to native citizens or subjects, for which purpose they may employ in defense of their rights such advocates, attorneys, and other agents as they may judge proper.

Property of citizens of one nation in the territory of the other.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other by sale, donation, testament, or otherwise.

Their personal representatives being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato.

They may take possession thereof either by themselves or by others acting for them, at their will, and dispose of the same, paying such duty only as the inhabitants of the country wherein the said personal property is situate shall be subject to pay in like cases.

In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situate.

Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicil, shall likewise be exempt from all duties of detraction or emigration on the part of their respective Governments.

ARTICLE XI.

Duration of treaty.

The present treaty shall continue in force for the term of twelve years from the date hereof, and further until the end of twelve months after the Government of Hanover on the one part, or that of the United States on the other part, shall have given notice of its intention of terminating the same; but upon the condition hereby expressly stipulated and agreed, that if the Kingdom of Hanover shall determine, during the said term of twelve years, to augment the existing import duty upon leaves, strips, or stems of tobacco imported in hogsheads or casks, a duty which at this time does not exceed one thaler and one gutengroschen per one hundred pounds Hanoverian currency and weight, (seventy cents pr. one hundred pounds United States currency and weight,) the Government of Hanover shall give a notice of one year to the Government of the United States before proceeding to do so; and at the expiration of that year, or any time subsequently, the Government of the United States shall have full power and right to abrogate the present treaty by giving a previous notice of six months to the Government of Hanover, or to continue it (at its option) in full force until the operation thereof shall have been arrested in the manner first specified in the present article.

ARTICLE XII.

Privileges of this treaty may be extended to other States of the Germanic Confederation.

The United States agree to extend all the advantages and privileges contained in the stipulations of the present treaty to one or more of the other States of the Germanic Confederation, which may wish to accede to them, by means of an official exchange of declarations; provided that such State or States shall confer similar favors upon the said United States to those conferred by the Kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations.

ARTICLE XIII.

Ratifications.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Majesty the King of Hanover; and the ratifications thereof shall be exchanged at the city of Hanover, within the space of ten months from this date, or sooner if possible, when the treaty of commerce and navigation concluded between the high contracting parties at Berlin, on the 20th day of May, 1840, shall become null and void to all intents and purposes.

In faith whereof we, the Plenipotentiaries of the high contracting parties, have signed the present treaty, and have thereto affixed our seals.

Done in quadruplicate at the city of Hanover, on the tenth day of June, in the year of our Lord one thousand eight hundred and forty-six, and in the seventieth year of the Independence of the United States of America.

[SEAL.] A. DUDLEY MANN.
[SEAL.] GEORGE FREDERICK BARON DE FALCKE.

1855.*

CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE.

Concluded January 18, 1855; *Ratifications exchanged at London April* 17 1855; *Proclaimed May* 5, 1855.

The United States of America and His Majesty the King of Hanover, actuated by an equal desire to further the administration of justice, and to prevent the commission of crimes in their respective countries, taking into consideration that the increased means of communication between Europe and America facilitate the escape of offenders, and that consequently provision ought to be made in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed in all cases with reference to the extradition of such individuals as, having committed any of the offenses hereafter enumerated in one country, shall have taken refuge within the territories of the other. The constitution and laws of Hanover, however, not allowing the Hanoverian Government to surrender their own subjects for trial before a foreign court of justice, a strict reciprocity requires that the Government of the United States

* See notes: "Abrogated, suspended, or obsolete treaties."

shall be held equally free from any obligation to surrender citizens of the United States. For which purposes the high contracting Powers have appointed as their Plenipotentiaries:

The President of the United States, James Buchanan, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the United Kingdom of Great Britain and Ireland; His Majesty the King of Hanover, the Count Adolphus von Kielmansegge, his Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, Grand Cross of the Order of the Guelphs, &c., &c.; Negotiators.

Who, after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

The Government of the United States and the Hanoverian Government promise and engage, upon mutual requisitions by them, or their Ministers, officers, or authorities respectively made, to deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other; provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. Crimes.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive. Expenses.

ARTICLE II.

The stipulations of this convention shall be applied to any other State of the Germanic Confederation which may hereafter declare its accession thereto. Other Germanic States.

ARTICLE III.

None of the contracting parties shall be bound to deliver up its own subjects or citizens under the stipulations of this convention. Neither nation to deliver its citizens.

ARTICLE IV.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up, under the stipu- A new offence in country of asylum.

lations of this convention, until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE V.

Duration of convention.

The present convention shall continue in force until the first of January, one thousand eight hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention, each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and fifty-eight.

ARTICLE VI.

Ratifications.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Hanover, and the ratifications shall be exchanged in London within three months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate in London, the eighteenth day of January, one thousand eight hundred and fifty-five, and the seventy-ninth year of the Independence of the United States.

[SEAL.] JAMES BUCHANAN.
[SEAL.] A. KIELMANSEGGE.

1861.*

TREATY CONCERNING THE ABOLITION OF THE STADE OR BRUNSHAUSEN DUES.

Concluded November 6, 1861; *ratifications exchanged at Berlin April* 29, 1862; *proclaimed June* 17, 1862.

The United States of America and His Majesty the King of Hanover, equally animated by the desire to increase and facilitate the relations of commerce and navigation between the two countries, have resolved to conclude a special treaty, to the end to free the navigation of the Elbe from the tolls known under the designation of the Stade or Brunshausen dues, and have for that purpose conferred full powers:

Negotiators.

The President of the United States of America upon Mr. Norman B. Judd, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Prussia, and His Majesty the King of Hanover upon his Envoy Extraordinary and Minister Plenipotentiary at the Royal Prussian Court, the Lieutenant Colonel and Extraordinary Aid-de-Camp, Mr. August Wilhelm von Reitzenstein, Knight Commander of the 2d class of the Royal Guelphick Order, etc.;

*See Notes: "Abrogated, suspended, or obsolete treaties."

Who, after having exchanged their full powers, and having found them to be in due and proper form, have concluded the following articles:

Article I.

His Majesty the King of Hanover assumes towards the United States of America, who accept the same, the obligation—

1. To abolish completely and forever the toll hitherto levied on the cargoes of American vessels ascending the Elbe, and passing the mouth of the river called Schwinge, designated under the name of the Stade or Brunshausen dues; Stade or Brunshausen dues abolished.

2. To levy no toll of any kind, of whatever nature it may be, upon the hulls or cargoes of American vessels ascending or descending the Elbe, in place of those dues, the abolition of which is agreed upon in the preceding paragraph;

3. Nor to subject hereafter, under any pretext whatever, American vessels ascending or descending the Elbe to any measure of control regarding the dues that are hereby abolished.

Article II.

His Majesty the King of Hanover obligates himself moreover to the United States of America—

1. To provide as hitherto, and to the extent of the existing obligations, for the maintenance of the works that are necessary for the free navigation of the Elbe; Works necessary to free navigation of the Elbe to be maintained.

2. Not to impose, as a compensation for the expenses resulting from the execution of this obligation, upon the American marine, any charge whatever, in lieu and place of the Stade or Brunshausen dues.

Article III.

By way of damage and compensation for the sacrifices imposed upon His Majesty the King of Hanover by the above stipulations, the United States of America agree to pay to his Majesty the King of Hanover, who accepts the same, the sum of sixty thousand three hundred and fifty-three thalers, Hanoverian currency, this being the proportional quota part of the United States in the general table of indemnification for the abolition of the Stade or Brunshausen dues. Indemnity

Article IV.

The sum of sixty thousand three hundred and fifty-three thalers courant, stipulated in Article III, shall be paid at Berlin, into the hands of such person as shall have been authorized by His Majesty the King of Hanover to receive it, on the day of the exchange of ratifications as hereinafter provided. Payment of indemnity.

In consideration of the fact that the stipulations contained in Articles I and II have already been applied to the American flag since the first day of July, 1861, the United States of America agree to pay besides, and the same time with the capital above named, the interest of that sum, at the rate of four per centum per annum, commencing with the first day of October, 1861.

ARTICLE V.

Execution of obligations to be complied with without delay.

The execution of the obligations contained in the present treaty is especially subordinated to the accomplishment of such formalities and rules as are established by the constitutions of the high contracting Powers, and the compliance with these formalities and rules be brought about within the shortest delay possible.

ARTICLE VI.

Former treaty annulled.

The treaty of commerce and navigation concluded between the United States of America and His Majesty the King of Hanover on the tenth day of June, 1846, shall continue to remain in force, with the exception of the stipulation contained in paragraph 3, Article I, which shall cease to have effect after the present treaty shall have been ratified.

ARTICLE VII.

Ratifications.

This treaty shall be approved and ratified, and the ratifications shall be exchanged at the city of Berlin, within six months from the present date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles, both in the English and German languages, and they have thereto affixed their seals.

Done in duplicate at Berlin the sixth day of November, in the year of our Lord one thousand eight hundred and sixty-one, and the Independence of the United States of America the eighty-sixth.

[SEAL.] N. B. JUDD.
[SEAL.] WILHELM AUGUST VON REITZENSTEIN.

PROTOCOL.

Dues.

Proof of nationality.

It remains understood that, until the execution of the stipulations contained in Articles V and VII of the treaty of to-day shall have taken place, the Hanoverian Government shall preserve the right, provisionally, by way of precaution, to maintain the dues which it has agreed to abolish. But as soon as the United States of America shall have fulfilled the stipulations therein mentioned, the Hanoverian Government shall order the discharge of that temporary measure of precaution, as regards merchandise transported in American vessels. Until, however, all the Powers, parties to the general treaty of the 22d day of June, 1861, concerning the abolition of the Stade or Brunshausen dues, shall have fulfilled the engagements contained in the Articles VI and VII of the last-named treaty, it shall have power to require of American vessels a proof of their nationality, without thereby causing them a delay or detention.

Done at Berlin the 6th November, 1861.

[SEAL.] N. B. JUDD.
[SEAL.] WILHELM AUGUST VON REITZENSTEIN.

HANSEATIC REPUBLICS.

1827.

CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION, WITH THE FREE HANSEATIC REPUBLICS OF LUBECK, BREMEN, AND HAMBURG.

Concluded December 20, 1827; *ratifications exchanged at Washington June* 2, 1828; *proclaimed June* 2, 1828.

The United States of America on the one part, and the Republic and Free Hanseatic City of Lubeck, the Republic and Free Hanseatic City of Bremen, and the Republic and Free Hanseatic City of Hamburg, (each State for itself separately,) on the other part, being desirous to give greater facility to their commercial intercourse, and to place the privileges of their navigation on a basis of the most extended liberality, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall be observed between the one and the other, by means of a convention of friendship, commerce, and navigation.

For the attainment of this most desirable object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State; and the Senate of the Republic and Free Hanseatic City of Lubeck, the Senate of the Republic and Free Hanseatic City of Bremen, and the Senate of the Republic and Free Hanseatic City of Hamburg, have conferred full powers on Vincent Rumpff, their Minister Plenipotentiary near the United States of America; Negotiators.

Who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

ARTICLE I.

The contracting parties agree, that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the said Free Hanseatic Republics of Lubeck, Bremen, and Hamburg; and that no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the United States, or of either of the said Hanseatic Republics. And, in like manner, that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into either of the said Hanseatic Republics, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the one party or of the other. And they further agree, that whatever may be lawfully No discrimination in duties, drawbacks, and bounties on exports and imports.

exported, or re-exported, by one party in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other party. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the one party or of the other. Nor shall higher or other charges, of any kind, be imposed in the ports of the one party, on vessels of the other, than are or shall be payable in the same ports by national vessels.

ARTICLE II.

No discriminating duties on account of nationality of imports.

No higher or other duties shall be imposed on the importation, into the United States, of any article the produce or manufacture of the Free Hanseatic Republics of Lubeck, Bremen, and Hamburg; and no higher or other duties shall be imposed on the importation, into either of the said Republics, of any article the produce or manufacture of the United States, than are or shall be payable on the like article being the produce or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed by either party on the exportation of any articles to the United States, or to the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, respectively, than such as are, or shall be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, to or from the ports of the United States, or to or from the ports of the other party, which shall not equally extend to all other nations.

No discrimination in duties on exports.

ARTICLE III.

No discrimination in purchase of imports on account of nationality of vessels importing same.

No priority or preference shall be given, directly or indirectly, by any or either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article the growth, produce, or manufacture of their States, respectively, imported into the other, on account of, or in reference to the character of the vessel, whether it be of the one party or of the other, in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE IV.

Proofs of nationality of vessels.

In consideration of the limited extent of the territories of the Republics of Lubeck, Bremen, and Hamburg, and of the intimate connection of trade and navigation subsisting between these Republics, it is hereby stipulated and agreed, that any vessel which shall be owned exclusively by a citizen or citizens of any or either of them, and of which the master shall also be a citizen of any or either of them, and provided three-fourths of the crew shall be citizens or subjects of any or either of the said Republics, or of any or either of the States of the Confederation of Germany, such vessel, so owned and navigated, shall, for all the purposes of this convention, be taken to be and considered as a vessel belonging to Lubeck, Bremen, or Hamburg.

Article V.

Any vessel, together with her cargo, belonging to either of the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, and coming from either of the said ports to the United States, shall, for all the purposes of this convention, be deemed to have cleared from the Republic to which such vessel belongs, although, in fact, it may not have been the one from which she departed; and any vessel of the United States, and her cargo, trading to the ports of Lubeck, Bremen, or Hamburg, directly, or in succession, shall, for the like purposes, be on the footing of a Hanseatic vessel and her cargo making the same voyage.

Vessels clearing from either of the Hanseatic ports to be deemed as having cleared from their respective home ports; and United States vessels trading with those ports to be on the same footing as Hanseatic vessels.

Article VI.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both parties, to manage, themselves, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected; they being, in all these cases, to be treated as citizens of the Republic in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

Privileges of citizens of one party in the territory of the other in business affairs.

Article VII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases; and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

Power to dispose of personal goods.

Article VIII.

Both the contracting parties promise, and engage formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents

Special protection to persons and property.

shall have as free opportunity as native citizens to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE IX.

Most favored nation.

The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE X.

Duration of convention.

The present convention shall be in force for the term of twelve years from the date hereof, and further, until the end of twelve months after the Government of the United States on the one part, or the free Hanseatic Republics of Lubeck, Bremen, or Hamburg, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the said contracting parties reserving to itself the right of giving such notice to the other, at the end of the said term of twelve years. And it is hereby agreed between them that, at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this convention, and all the provisions thereof, shall, altogether, cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed that, if one or more of the Hanseatic Republics aforesaid shall, at the expiration of twelve years from the date hereof, give or receive notice of the proposed termination of this convention, it shall nevertheless remain in full force and operation as far as regards the remaining Hanseatic Republics or Republic, which may not have given or received such notice.

ARTICLE XI.

Ratifications.

The present convention being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the contracting parties, have signed the present convention, and have thereto affixed our seals.

Done in quadruplicates at the city of Washington, on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, in the fifty-second year of the Independence of the United States of America.

[SEAL.] H. CLAY.
[SEAL.] V. RUMPFF.

1828.

ADDITIONAL ARTICLE TO THE CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION, WITH THE FREE HANSEATIC REPUBLICS OF LUBECK, BREMEN, AND HAMBURG, OF THE 20TH OF DECEMBER, 1827.

Concluded June 4, 1828; *ratifications exchanged at Washington January* 14, 1829; *proclaimed January* 14, 1829.

The United States of America and the Hanseatic Republics of Lubeck, Bremen, and Hamburg, wishing to favor their mutual commerce by affording, in their ports, every necessary assistance to their respective vessels, the undersigned Plenipotentiaries have further agreed upon the following additional article to the convention of friendship, commerce, and navigation, concluded at Washington on the twentieth day of December, 1827, between the contracting parties.

Deserters.

The Consuls and Vice-Consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective countries, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said Consuls and Vice-Consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters, in writing, proving by an exhibition of the registers of the said vessels, or ship's roll, or other official document, that those men were part of said crews; and on this demand being so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused; and there shall be given all aid and assistance to the said Consuls and Vice-Consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found opportunity of sending them back. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Application by consuls to governmental authorities.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional article shall have the same force and value as if it were inserted, word for word, in the convention signed at Washington on the twentieth day of December, one thousand eight hundred and twenty-seven, and being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

Ratifications.

In faith whereof we, the undersigned, by virtue of our respective full powers, have signed the present additional article, and have thereto affixed our seals.

Done in quadruplicate at the city of Washington, on the fourth day of June, in the year of our Lord one thousand eight hundred and twenty-eight.

[SEAL.] H. CLAY.
[SEAL.] V. RUMPFF.

1852.

CONVENTION CONCERNING THE RIGHTS AND PRIVILEGES OF CONSULS WITH THE FREE HANSEATIC REPUBLICS OF LUBECK, BREMEN, AND HAMBURG.

Concluded April 30, 1852; *ratifications exchanged at Washington February* 25, 1853; *proclaimed June* 6, 1853.

The United States of America and the Free and Hanseatic Republics of Hamburg, Bremen, and Lubeck, having agreed to extend, in certain cases, the jurisdiction of their respective Consuls, and to increase the powers granted to said Consuls by existing treaty stipulations, have named for this purpose, as their respective Plenipotentiaries, to wit:

The President of the United States of America, Daniel Webster, Secretary of State of the United States, and the Senate of the Free and Hanseatic City of Hamburg, the Senate of the Free and Hanseatic City of Bremen, and the Senate of the Free and Hanseatic City of Lubeck, Albert Schumacher, Consul-General of Hamburg and Bremen in the United States;

Negotiators.

Who, having exchanged their full powers, found in due and proper form, have agreed to and signed the following articles:

ARTICLE I.

The Consuls, Vice-Consuls, commercial and vice-commercial agents of each of the high contracting parties shall have the right as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the master should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, commercial agents, or vice-commercial agents, should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

Power of consuls relative to the vessels of their country and their masters and crews.

ARTICLE II.

The present convention shall be in force for the term of twelve years from the day of its ratifications; and further until the end of twelve months, after the Government of the United States on the one part, or the Free and Hanseatic Republicks of Hamburg, Bremen, or Lubeck, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of twelve years. And it is hereby agreed that, at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this convention, and all the provisions thereof, shall altogether cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed that, if one or more of the Free and Hanseatic Republicks aforesaid shall, at the expiration of twelve years from the date of the ratification of the convention, give or receive notice of the termination of the same, it shall, nevertheless, remain in

Duration of convention.

full force and operation, as far as regards the remaining Free and Hanseatic Republicks or Republick, which may not have given or received such notice.

ARTICLE III.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Senates of the Free and Hanseatic Republicks of Hamburg, Bremen, and Lubeck; and the ratifications shall be exchanged at Washington within twelve months from the date hereof, or sooner if possible. Ratifications.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in German as in English, and have thereto affixed their seals.

Done in quadruplicate, at the city of Washington, on the thirtieth day of April, A. D. one thousand eight hundred and fifty two, in the seventy-sixth year of the Independence of the United States of America.

[SEAL.] DAN'L WEBSTER.
[SEAL.] A. SCHUMACHER.

HAWAIIAN ISLANDS.

1849.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION, AND FOR EXTRADITION OF CRIMINALS.

Concluded December 20, 1849; *ratifications exchanged at Honolulu, August* 24, 1850; *proclaimed November* 9, 1850.

The United States of America and His Majesty the King of the Hawaiian Islands, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of friendship, commerce, and navigation, for which purpose they have appointed Plenipotentiaries, that is to say:

Negotiators.

The President of the United States of America, John M. Clayton, Secretary of State of the United States; and His Majesty the King of the Hawaiian Islands, James Jackson Jarves, accredited as his special Commissioner to the Government of the United States;

Who, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

Peace and amity.

There shall be perpetual peace and amity between the United States and the King of the Hawaiian Islands, his heirs and his successors.

ARTICLE II.

Freedom of commerce and navigation.

There shall be reciprocal liberty of commerce and navigation between the United States of America and the Hawaiian Islands. No duty of customs, or other impost, shall be charged upon any goods, the produce or manufacture of one country, upon importation from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country; and the United States of America and His Majesty the King of the Hawaiian Islands do hereby engage that the subjects or citizens of any other State shall not enjoy any favor, privilege, or immunity, whatever, in matters of commerce and navigation, which shall not also, at the same time, be extended to the subjects or citizens of the other contracting party, gratuitously, if the concession in favor of that other State shall

have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE III.

All articles, the produce or manufacture of either country, which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties, and enjoy the same privileges, whether imported in ships of the one country or in ships of the other; and in like manner, all goods which can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-exported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties, and allowances, whether exported in ships of the one country or in ships of the other; and all goods and articles, of whatever description, not being of the produce or manufacture of the United States, which can be legally imported into the Sandwich Islands, shall, when so imported in vessels of the United States, pay no other or higher duties, imposts, or charges, than shall be payable upon the like goods and articles when imported in the vessels of the most favored foreign nation, other than the nation of which the said goods and articles are the produce or manufacture. No discrimination in duties, drawbacks, and bounties on exports and imports.

ARTICLE IV.

No duties of tonnage, harbor, light-houses, pilotage, quarantine, or other similar duties, of whatever nature or under whatever denomination, shall be imposed in either country upon the vessels of the other in respect of voyages between the United States of America and the Hawaiian Islands, if laden, or in respect of any voyage if in ballast, which shall not be equally imposed in the like cases on national vessels. No discrimination in tonnage duties.

ARTICLE V.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another situated in the States of either contracting party, such navigation and trade being reserved exclusively to national vessels. Coasting trade.

ARTICLE VI.

Steam-vessels of the United States which may be employed by the Government of the said States in the carrying of their public mails across the Pacific Ocean, or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, light-houses, quarantine, or other similar duties, of whatever nature or under whatever denomination. Steam-vessels carrying mails.

ARTICLE VII.

Whale-ships.

The whale-ships of the United States shall have access to the ports of Hilo, Kealakekua, and Hanalei, in the Sandwich Islands, for the purposes of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which only are ports of entry for all merchant vessels; and in all the above-named ports they shall be permitted to trade or barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars ad valorem for each vessel, without paying any charge for tonnage or harbor dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exception as to spirituous liquors, to the additional amount of one thousand dollars ad valorem for each vessel, paying upon the additional goods and articles so traded and bartered no other or higher duties than are payable on like goods and articles when imported in the vessels and by the citizens or subjects of the most-favored foreign nation. They shall also be permitted to pass from port to port of the Sandwich Islands for the purpose of procuring refreshments, but they shall not discharge their seamen or land their passengers in the said islands, except at Lahaina and Honolulu; and in all the ports named in this article the whale-ships of the United States shall enjoy, in all respects whatsoever, all the rights, privileges, and immunities which are enjoyed by, or shall be granted to, the whale-ships of the most favored foreign nation. The like privilege of frequenting the three ports of the Sandwich Islands above named in this article not being ports of entry for merchant vessels, is also guaranteed to all the public armed vessels of the United States. But nothing in this article shall be construed as authorizing any vessel of the United States having on board any disease usually regarded as requiring quarantine to enter, during the continuance of such disease on board, any port of the Sandwich Islands other than Lahaina or Honolulu.

ARTICLE VIII.

Privileges of citizens of one nation in the territory of the other.

The contracting parties engage, in regard to the personal privileges that the citizens of the United States of America shall enjoy in the dominions of His Majesty the King of the Hawaiian Islands and the subjects of his said Majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the States of the two high contracting parties, subject to the same precautions of police which are practiced towards the subjects or citizens of the most favored nations. They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange,

Property of citizens of one nation in the territory of the other.

will, or in any other way whatever, without the smallest hindrance or obstacle; and their heirs or representatives, being subjects or citizens of the other contracting party, shall succeed to their personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a

native of the same country in like case until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation and exempt from all duties of detraction on the part of the Government of the respective States. The citizens or subjects of the contracting parties shall not be obliged to pay, under any pretence whatever, any taxes or impositions other or greater than those which are paid, or may hereafter be paid, by the subjects or citizens of the most favored nations in the respective States of the high contracting parties. They shall be exempt from all military service, whether by land or by sea; from forced loans; and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appertaining thereto, destined for the purposes of commerce or residence, shall be respected. No arbitrary search of or visit to their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade shall be made; but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and each of the two contracting parties engages that the citizens or subjects of the other residing in their respective States shall enjoy their property and personal security in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nation, but subject always to the laws and statutes of the two countries, respectively.

Property of absent heirs.

Military service, forced loans and taxes.

ARTICLE IX.

The citizens and subjects of each of the two contracting parties shall be free in the States of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent; nor shall the citizens and subjects of the two contracting parties be restrained in their choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ.

Privileges of citizens of one nation in the territory of the other in business affairs.

Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and to fix the price of any goods or merchandise imported into, or to be exported from, the States and domains of the two contracting parties, save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the States and dominions of the contracting parties. But nothing contained in this or any other article of the present treaty shall be construed to authorize the sale of spirituous liquors to the natives of the Sandwich Islands, farther than such sale may be allowed by the Hawaiian laws.

ARTICLE X.

Each of the two contracting parties may have, in the ports of the other, Consuls, Vice-Consuls, and Commercial Agents, of their own appointment, who shall enjoy the same privileges and powers with those of the most favored nations; but if any such

Consuls.

Consuls shall exercise commerce, they shall be subject to the same laws and usages to which the private individuals of their nation are subject in the same place. The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand the said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. The agents, owners, or masters of vessels on account of whom the deserters have been apprehended, upon requisition of the local authorities, shall be required to take or send away such deserters from the States and dominions of the contracting parties, or give such security for their good conduct as the law may require. But, if not sent back nor reclaimed within six months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserters should be found to have committed any crime or offence, their surrender may be delayed until the tribunal before which their case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Deserters.

Application by consuls to governmental authorities.

Article XI.

It is agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens and subjects of both the contracting parties, in the countries of the one and the other, without their being liable to be disturbed or molested on account of their religious belief. But nothing contained in this article shall be construed to interfere with the exclusive right of the Hawaiian Government to regulate for itself the schools which it may establish or support within its jurisdiction.

Liberty of conscience.

Article XII.

If any ships of war or other vessels be wrecked on the coasts of the States or territories of either of the contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Hawaiian Consul or Vice-Consul in whose district the wreck may

Shipwrecks.

have taken place; and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties unless entered for consumption, it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

Salvage.

ARTICLE XIII.

The vessels of either of the two contracting parties which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duties of port or navigation paid for the benefit of the State, if the motives which led to their seeking refuge be real and evident, and if no cargo be discharged or taken on board, save such as may relate to the subsistence of the crew, or be necessary for the repair of the vessels, and if they do not stay in port beyond the time necessary, keeping in view the cause which led to their seeking refuge.

Vessels driven into port by stress of weather.

ARTICLE XIV.

The contracting parties mutually agree to surrender, upon official requisition, to the authorities of each, all persons who, being charged with the crimes of murder, piracy, arson, robbery, forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall be found within the territories of the other; provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the person so charged shall be found, would justify his apprehension and commitment for trial, if the crime had there been committed. And the respective judges and other magistrates of the two Governments shall have authority, upon complaint made under oath, to issue a warrant for the apprehension of the person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

Extradition of criminals.

ARTICLE XV.

So soon as steam or other mail packets, under the flag of either of the contracting parties, shall have commenced running between their respective ports of entry, the contracting parties agree to receive at the post-offices of those ports all mailable matter, and to forward it as directed, the destination being to some regular post-office of either country; charging thereupon the regular postal rates as established by law in the territories of either party receiving said mailable matter, in addition to the original postage of the office whence the mail was sent. Mails for the United States shall be made up at regular intervals at the Hawaiian post office, and despatched to ports of the United States; the postmasters at which ports shall open the same, and forward the enclosed matter as directed, crediting the Hawaiian Government

Mail arrangements.

with their postages as established by law, and stamped upon each manuscript or printed sheet.

All mailable matter destined for the Hawaiian Islands shall be received at the several post-offices in the United States, and forwarded to San Francisco, or other ports on the Pacific coast of the United States, whence the postmasters shall despatch it by the regular mail packets to Honolulu, the Hawaiian Government agreeing on their part to receive and collect for and credit the Post-Office Department of the United States with the United States' rates charged thereupon. It shall be optional to prepay the postage on letters in either country, but postage on printed sheets and newspapers shall in all cases be prepaid. The respective post-office departments of the contracting parties shall, in their accounts, which are to be adjusted annually, be credited with all dead letters returned.

ARTICLE XVI.

Duration of treaty.

The present treaty shall be in force from the date of the exchange of the ratifications, for the term of ten years, and further, until the end of twelve months after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the said contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term.

Any citizen or subject of either party infringing the articles of this treaty shall be held responsible for the same, and the harmony and good correspondence between the two Governments shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

ARTICLE XVII.

Ratifications.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the King of the Hawaiian Islands, by and with the advice of his Privy Council of State, and the ratifications shall be exchanged at Honolulu within eighteen months from the date of its signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same in triplicate, and have thereto affixed their seals.

Done at Washington, in the English language, the twentieth day of December, in the year one thousand eight hundred and forty-nine.

[SEAL.] JOHN M. CLAYTON.
[SEAL.] JAMES JACKSON JARVES.

1875.

CONVENTION RESPECTING COMMERCIAL RECIPROCITY.

Concluded January 30, 1875; *Ratifications exchanged at Washington, June* 3, 1875; *Proclaimed June* 3, 1875.

The United States of America and His Majesty the King of the Hawaiian Islands, equally animated by the desire to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them, and to consolidate their commercial intercourse, hav

resolved to enter into a Convention for Commercial Reciprocity. For this purpose, the President of the United States has conferred full powers on Hamilton Fish, Secretary of State, and His Majesty the King of the Hawaiian Islands has conferred like powers on Honorable Elisha H. Allen, Chief Justice of the Supreme Court, Chancellor of the Kingdom, Member of the Privy Council of State, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and Honorable Henry A. P. Carter, Member of the Privy Council of State, His Majesty's Special Commissioner to the United States of America. Negotiators.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due form, have agreed to the following articles.

ARTICLE I.

For and in consideration of the rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this convention and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following schedule, the same being the growth and manufacture or produce of the Hawaiian Islands, into all the ports of the United States free of duty. Hawaiian products to be admitted free of duty.

SCHEDULE.

Arrow-root; castor oil; bananas, nuts, vegetables, dried, and undried, preserved and unpreserved; hides and skins undressed; rice; pulu; seeds, plants, shrubs or trees; muscovado, brown, and all other unrefined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands and now known in the markets of San Francisco and Portland as "Sandwich Island sugar;" syrups of sugar-cane, melado, and molasses; tallow. Schedule.

ARTICLE II.

For and in consideration of the rights and privileges granted by the United States of America in the preceding article of this convention, and as an equivalent therefor, His Majesty, the King of the Hawaiian Islands hereby agrees to admit all the articles named in the following schedule, the same being the growth, manufacture or produce of the United States of America, into all the ports of the Hawaiian Islands, free of duty. American products to be admitted free of duty.

SCHEDULE.

Agricultural implements; animals; beef, bacon, pork, ham and all fresh, smoked or preserved meats; boots and shoes; grain, flour, meal, and bran, bread and breadstuffs, of all kinds; bricks, lime and cement; butter, cheese, lard, tallow, bullion; coal; cordage, naval stores including tar, pitch, resin, turpentine raw and rectified; copper and composition sheathing; nails and bolts; cotton and manufactures of cotton bleached, and unbleached, and whether or not colored, stained, painted or printed; eggs; fish and oysters, and all other creatures living in the water, and the products thereof; fruits, nuts, and vegetables, green, dried or undried, preserved or unpreserved; hardware; hides, furs, skins and pelts, dressed or undressed; hoop Schedule.

iron, and rivets, nails, spikes and bolts, tacks, brads or sprigs; ice; iron and steel and manufactures thereof; leather; lumber and timber of all kinds, round, hewed, sawed, and unmanufactured in whole or in part; doors, sashes and blinds; machinery of all kinds, engines and parts thereof; oats and hay; paper, stationery and books, and all manufactures of paper or of paper and wood; petroleum and all oils for lubricating or illuminating purposes; plants, shrubs, trees and seeds; rice; sugar, refined or unrefined; salt; soap; shooks, staves and headings; wool and manufactures of wool, other than ready-made clothing; wagons and carts for the purposes of agriculture or of drayage; wood and manufactures of wood, or of wood and metal except furniture either upholstered or carved and carriages; textile manufactures, made of a combination of wool, cotton, silk or linen, or of any two or more of them other than when ready-made clothing; harness and all manufactures of leather; starch; and tobacco, whether in leaf or manufactured.

ARTICLE III.

Evidence as to growth and manufacture, how established.

The evidence that articles proposed to be admitted into the ports of the United States of America, or the ports of the Hawaiian Islands, free of duty, under the first and second articles of this convention, are the growth, manufacture or produce of the United States of America or of the Hawaiian Islands respectively, shall be established under such rules and regulations and conditions for the protection of the revenue as the two Governments may from time to time respectively prescribe.

ARTICLE IV.

No export duty to be imposed on free articles.

No export duty or charges shall be imposed in the Hawaiian Islands or in the United States, upon any of the articles proposed to be admitted into the ports of the United States or the ports of the Hawaiian Islands free of duty, under the first and second articles of this convention. It is agreed, on the part of His Hawaiian Majesty, that, so long as this treaty shall remain in force, he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power, state or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.

No lease of Hawaiian ports, and no other nation to have same privileges as the United States.

ARTICLE V.

Duration of convention.

The present convention shall take effect as soon as it shall have been approved and proclaimed by his Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given and the ratifications of the convention having been exchanged as provided in article VI, the convention shall remain in force for seven years,* from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter.

* Time extended by convention of January 30, 1884, p. —.

ARTICLE VI.

The present convention shall be duly ratified, and the ratifications exchanged at Washington city, within eighteen months from the date hereof, or earlier if possible. Ratifications.

In faith whereof the respective Plenipotentiaries of the high contracting parties have signed this present convention, and have affixed thereto their respective seals.

Done in duplicate, at Washington, the thirtieth day of January, in the year of our Lord, one thousand eight hundred and seventy-five.

[SEAL.] HAMILTON FISH.
[SEAL.] ELISHA H. ALLEN.
[SEAL.] HENRY A. P. CARTER.

1876.

PROTOCOL OF A CONFERENCE BETWEEN THE ACTING SECRETARY OF STATE OF THE UNITED STATES AND THE ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF HIS MAJESTY THE KING OF THE HAWAIIAN ISLANDS,

Held at Washington on the ninth day of September, 1876.

Whereas it is provided by Article V of the Convention between the United States of America and His Majesty the King of the Hawaiian Islands concerning commercial reciprocity signed at Washington on the 30th day of January 1875, as follows:

"Article V. The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until the law to carry it into operation shall have been passed by the Congress of the United States of America, such assent having been given, and the ratifications of the convention having been exchanged as provided in Article VI, the convention shall remain in force for seven years from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter."

And whereas the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the Government of the United States:

And whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled entitled "An act to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the thirtieth day of January eighteen hundred and seventy-five," which was approved on the 15th day of August in the year 1876:

And whereas an act was passed by the Legislative Assembly of the Hawaiian Islands, entitled "An act to carry into effect a Convention between His Majesty the King and the United States of America, signed at Washington on the 30th day of January, 1875," which was duly approved on the 18th day of July, in the year 1876.

And whereas the ratifications of the said Convention have been exchanged as provided in Article VI.

The undersigned William Hunter, Acting Secretary of State of the United States of America, and the Honorable Elisha H. Allen, Chief Justice of the Supreme Court, chancellor of the Kingdom, member of the Privy Council of State, and His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, have met together at Washington, and having found the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the Government of the United States, and that the laws required to carry the said Treaty into operation have been passed by the Congress of the United States of America on the one part and by the Legislative Assembly of the Hawaiian Islands on the other, hereby declare that the Convention aforesaid concluded between the United States of America and His Majesty the King of the Hawaiian Islands on the 30th day of January, 1875, will take effect on the date hereof.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate, at Washington, this ninth day of September, one thousand eight hundred and seventy-six.

[SEAL.] W. HUNTER.
[SEAL.] ELISHA H. ALLEN.

HAYTI.

1864.

TREATY OF AMITY, COMMERCE, AND NAVIGATION, AND FOR THE EXTRADITION OF FUGITIVE CRIMINALS.

Concluded November 3, 1864; *ratifications exchanged at Washington May* 22, 1865; *proclaimed July* 6, 1865.

The United States of America and the Republic of Hayti, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, and to place their commercial relations upon the most liberal basis, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty of amity, commerce, and navigation, and for the extradition of fugitive criminals. For this purpose they have appointed as their Plenipotentiaries, to wit:

The President of the United States, Benjamin F. Whidden, Commissioner and Consul General of the United States to the Republic of Hayti; and the President of Hayti, Boyer Bazelais, Chef d'Escadron, his Aide-de-Camp and Secretary; Negotiators.

Who, after a reciprocal communication of their respective full powers, found in due and proper form, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Hayti, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places. Declaration of amity.

ARTICLE II.

The United States of America and the Republic of Hayti, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, agree that any favor, exemption, privilege, or immunity whatever, in matters of commerce or navigation, which either of them has granted, or may hereafter grant, to the citizens or subjects of any other Government, nation, or State, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party; gratuitously, if the concession in favor of that other Government, nation, or State shall have been gratuitous; or in return for an equivalent compensation, if the concession shall have been conditional. Most favored nation.

ARTICLE III.

Case of war.

If by any fatality (which cannot be expected, and which God forbid) the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and movables, which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; which immunity is not in any way to be construed to prevent the execution of any existing civil or commercial engagements; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and their effects which they may wish to carry with them or send away, and such passports shall be a safe conduct against the insults and captures which privateers may attempt against their persons and effects.

ARTICLE IV.

Property not to be confiscated.

Neither the money, debts, shares in the public funds or in banks, or any other property, of either party, shall ever, in the event of war or national difference, be sequestered or confiscated.

ARTICLE V.

Exemption from military duty.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military duty by sea or by land, and from all forced loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever higher or other than those that are or may be paid by native citizens.

ARTICLE VI.

Privileges of citizens of one nation in the territory of the other in business affairs.

The citizens of each of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of the territories of the other, engage in business, hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party respectively, as well as in respect to the consignment and sale of their goods as with respect to the loading, unloading, and sending off their vessels. They may also employ such agents or brokers as they may deem proper; it being distinctly understood that they are subject also to the same laws.

Privileges of courts.

The citizens of the contracting parties shall have free access to the tribunals of justice, in all cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens, furnishing security in the cases required; for which purpose they may employ in the defence of their interests and rights such advocates, solicitors, attorneys, and other agents as they may think proper, agreeably to the laws and usage of the country.

Article VII.

There shall be no examination or inspection of the books, papers, or accounts of the citizens of either country residing within the jurisdiction of the other without the legal order of a competent tribunal or judge. Examination of books and papers.

Article VIII.

The citizens of each of the high contracting parties, residing within the territory of the other, shall enjoy full liberty of conscience. They shall not be disturbed or molested on account of their religious opinions or worship provided they respect the laws and established customs of the country. And the bodies of the citizens of the one who may die in the territory of the other shall be interred in the public cemeteries, or in other decent places of burial, which shall be protected from all violation or insult by the local authorities. Liberty of conscience.

Article IX.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise; and their personal representatives, being citizens of the other contracting party, shall succeed to their personal property, whether by testament or ab intestato. They may take possession thereof, either by themselves or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, while the lawful owner may take measures for securing it. If a question as to the rightful ownership of the property should arise among claimants, the same shall be determined by the judicial tribunals of the country in which it is situated. Property of citizens of one nation in the territory of the other.

Article X.

The high contracting parties hereby agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in the vessels of the Republic of Hayti, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected than shall be levied or collected of the vessels of the most favored nation. Reciprocity of imports.

And reciprocally, whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into Hayti in her own vessels, may be also imported in the vessels of the United States, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected than shall be levied or collected of the vessels of the most favored nation.

Article XI.

It is also hereby agreed that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may in like manner be exported or re-exported in vessels of the other; and the same duties, bounties, and Reciprocity of exports.

drawbacks shall be collected and allowed as are collected of and allowed to the most favored nation.

It is also understood that the foregoing principles shall apply, whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from the ports of any other nation.

ARTICLE XII.

Coasting trade.

The provisions of this treaty are not to be understood as applying to the coasting trade of the contracting parties, which is respectively reserved by each exclusively, to be regulated by its own laws.

ARTICLE XIII.

No discriminating duties on account of nationality of imports.

No higher or other duties shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of Hayti or her fisheries; and no higher or other duties shall be imposed on the importation into Hayti of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country or its fisheries.

No discrimination in duties on exports.

No other or higher duties or charges shall be imposed in the United States on the exportation of any article to Hayti, nor in Hayti on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any foreign country.

No discrimination on importation.

No prohibition shall be imposed on the importation of any article the growth, produce, or manufacture of the United States or their fisheries, or of Hayti and her fisheries, from or to the ports of the United States or Hayti, which shall not equally extend to any other foreign country.

ARTICLE XIV.

Discriminating duties.

It is hereby agreed that if either of the high contracting parties should hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the origin of its own products intended to enter the country by which the discriminating duties are imposed.

ARTICLE XV.

Rights of asylum and refuge.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, ports, or dominions of the other with their vessels, whether merchant or war, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their vessels, and placing themselves in a condition to continue their voyage without obstacle or hindrance of any kind.

And the provisions of this article shall apply to privateers or private vessels of war, as well as public, until the two high contracting parties may relinquish that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

ARTICLE XVI.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened; and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in like cases. Shipwrecks.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges, or fees on such cargo as may be carried away shall be paid, except such as are payable in like cases by national vessels. Repairs of vessels.

ARTICLE XVII.

It shall be lawful for the citizens of either Republic to sail with their ships and merchandise (contraband goods excepted) with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. Ships of either country not affected by ownership of merchandise on board.

It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security, not only from ports and places of those who are enemies of both or either party, to ports of the other, and to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one or several Powers, unless such ports or places are blockaded, besieged, or invested.

ARTICLE XVIII.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is hereby agreed by the high contracting parties that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper, provided the same be not blockaded, besieged, or invested. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof. Blockades.

ARTICLE XIX.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture or confiscation when found on board neutral vessels, with the exception of articles contraband of war. Free ships make free goods.

2nd. That the property of neutrals on board of an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

Property of neutrals.

The like neutrality shall be extended to persons who are on board a neutral ship, with this effect, that although they may be enemies of both or either party, they are not to be taken out of that ship unless they are officers or soldiers, and in the actual service of the enemy. The contracting parties engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them as permanent and immutable.

ARTICLE XX.

Contraband of war.

The liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war, and under this name shall be comprehended—

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, and everything belonging to the use of arms.

2. Bucklers, helmets, breastplates, coats of mail, accoutrements, and clothes made up in military form and for military use.

3. Cavalry belts and horses, with their harness.

4. And, generally, all offensive or defensive arms, made of iron, steel, brass, copper, or of any other material prepared and formed to make war by land or at sea.

ARTICLE XXI.

Goods not included in list of contraband.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at the time besieged or blockaded.

ARTICLE XXII.

Merchant ships in time of war.

In time of war the merchant ships belonging to the citizens of either of the contracting parties which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there may be just grounds of suspicion, shall be obliged to exhibit not only their passports, but likewise their certificates, showing that their goods are not of the quality of those specified as contraband in this treaty.

ARTICLE XXIII.

Neutral vessels.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the contracting parties, it is hereby agreed that when one party shall be engaged in war, and the other party shall be neutral, the vessels of the neutral party shall be furnished with passports, that it may appear thereby that they really belong to citizens of the neutral party. These passports shall be valid for any number of voyages, but shall be renewed every year.

If the vessels are laden, in addition to the passports above named they shall be provided with certificates, in due form, made out by the officers of the place whence they sailed, so that it may be known whether they carry any contraband goods. And if it shall not appear from the said certificates that there are contraband goods on board, the vessels shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such vessel, and the commander of the same shall offer to deliver them up, that offer shall be accepted and a receipt for the same shall be given, and the vessel shall be at liberty to pursue her voyage unless the quantity of contraband goods be greater than can be conveniently received on board the ship of war or privateer, in which case, as in all other cases of just detention, the vessel shall be carried to the nearest safe and convenient port for the delivery of the same.

In case any vessel shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal; and if it shall appear from other documents or proofs, admissible by the usage of nations, that the vessel belongs to citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

Article XXIV.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, it is hereby agreed that whenever a ship of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats, with two or three men only, in order to execute the examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of all private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit; and it is hereby agreed and understood that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

Right of search.

Article XXV.

It is expressly agreed by the high contracting parties that the stipulations before mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party toward the ships of the neutral party, shall be applicable only to ships sailing without a convoy; and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient; the two parties reciprocally engaging not to admit, under the protection of their convoys, ships which shall have on board contraband goods destined to an enemy.

Ships under convoy.

ARTICLE XXVI.

Provisions in case of captures.

Whenever vessels shall be captured or detained, to be carried into port under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a copy of said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the same. Nor shall it be lawful to sell, exchange, or alienate the said articles of contraband in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation.

ARTICLE XXVII.

Care of captured property.

That proper care may be taken of the vessel and cargo, and embezzlement prevented in time of war, it is hereby agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured vessel from on board thereof, during the time the vessel may be at sea after her capture, or pending the proceedings against her or her cargo, or anything relating thereto; and in all cases where a vessel of the citizens of either party shall be captured or seized and held for adjudication, her officers, passengers, and crew shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, mate, and passengers five hundred dollars each, and for the sailors one hundred dollars each.

ARTICLE XXVIII.

Prize courts.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and all of the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXIX.

Duties on prize ships or their captors.

When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law or by treaty with the most favored nation.

ARTICLE XXX.

It shall not be lawful for any foreign privateers who have commissions from any Prince or State in enmity with either nation to fit their ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary to their going to the next port of that Prince or State from which they have received their commissions. Foreign privateers.

ARTICLE XXXI.

No citizen of Hayti shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen of the said United States, or of any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of Hayti, or any of them, or the property of any of them, from any Prince or State with which the said Republic shall be at war; and if any person of either nation shall take such commission or letters of marque, he shall be punished according to their respective laws. Letters of marque.

ARTICLE XXXII.

The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their Envoys, Ministers, and other diplomatic agents, the same favors, privileges, immunities, and exemptions which the most favored nations do or shall enjoy; it being understood that whatever favors, privileges, immunities, or exemptions, the United States of America or the Republic of Hayti may find it proper to give to the Envoys, Ministers, and other diplomatic agents, of any other Power, shall by the same act be extended to those of each of the contracting parties. Rights of diplomatic agents.

ARTICLE XXXIII.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Hayti agree to admit and receive, mutually, Consuls and Vice-Consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation. Consuls and Vice-Consuls.

ARTICLE XXXIV.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before exercising their official functions, exhibit to the Government to which they are accredited their commissions or patents in due form; and, having obtained their exequatur, they shall be acknowledged, in their official character, by the authorities, magistrates, and inhabitants, in the consular district in which they reside. Exequatur.

ARTICLE XXXV.

Rights of consuls.

It is also agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all kinds of imposts, taxes, and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside, are subject; being, in everything besides, subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably; and under no pretext whatever shall any person, magistrate, or other public authority seize or in any way interfere with them.

ARTICLE XXXVI.

Deserters.

The said Consuls and Vice-Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed a part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

ARTICLE XXXVII.

Consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXVIII.

Fugitives from justice.

It is agreed that the high contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek an asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

ARTICLE XXXIX.

Persons shall be delivered up, according to the provisions of this treaty, who shall be charged with any of the following crimes, to wit: murder, (including assassination, parricide, infanticide, and poisoning,) attempt to commit murder, piracy, rape, forgery, the counterfeiting of money, the utterance of forged paper, arson, robbery, and embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment. Crimes.

ARTICLE XL.

The surrender shall be made, on the part of each country, only by the authority of the Executive thereof. The expenses of the detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand. Surrender to be made by the Executive.

ARTICLE XLI.

The provisions of the foregoing articles relating to the extradition of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character. Neither of the contracting parties shall be bound to deliver up its own citizens under the provisions of this treaty. Offences not included.

ARTICLE XLII.

The present treaty shall remain in force for the term of eight years, dating from the exchange of ratifications; and if one year before the expiration of that period neither of the contracting parties shall have given notice to the other of its intention to terminate the same, it shall continue in force, from year to year, until one year after an official notification to terminate the same, as aforesaid. Duration of treaty.

ARTICLE XLIII.

The present treaty shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible. Ratifications.

In faith whereof the respective Plenipotentiaries have signed the foregoing articles, in the English and French languages, and they have hereunto affixed their seals.

Done, in duplicate, at the city of Port au Prince, this third day of November, in the year of our Lord one thousand eight hundred and sixty-four.

[SEAL.] B. F. WHIDDEN.
[SEAL.] BOYER BAZELAIS.

GRAND DUCHY OF HESSE.

1844.

CONVENTION FOR ABOLITION OF DROIT D'AUBAINE AND TAXES ON EMIGRATION.

Concluded March 26, 1844; *ratifications exchanged at Berlin October* 16, 1844; *proclaimed May* 8, 1845.

The United States of America, on the one part, and His Royal Highness the Grand Duke of Hesse, on the other part, being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects, have agreed to enter into negotiation for this purpose.

For the attainment of this desirable object the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Prussia, and His Royal Highness the Grand Duke of Hesse, upon Baron Schaeffer-Bernstein, his Chamberlain, Colonel, Aide-de-Camp, and Minister Resident near His Majesty the King of Prussia;

Negotiators.

Who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

ARTICLE I.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction, or tax on emigration, is hereby, and shall remain, abolished, between the two contracting parties, their States, citizens, and subjects, respectively.

Droit d'aubaine.

ARTICLE II.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a subject or citizen of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged, according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

Disposal of real property.

ARTICLE III.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise; and their heirs, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab

Property of citizens of one nation in the territory of the other.

intestato, and may take possession thereof, either by themselves or by other acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to article 2, may take measures to receive or dispose of the inheritance. Property of absent heirs.

ARTICLE V.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws and by the judges of the country where the property is situated. Disputes concerning inheritance.

ARTICLE VI.

This convention shall be ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Royal Highness the Grand Duke of Hesse, and the ratifications shall be exchanged at Berlin, within the term of six months from the date of the signature hereof, or sooner if possible. Ratifications.

In faith of which the respective Plenipotentiaries have signed the above articles, both in French and English, and have thereto affixed their seals; declaring, nevertheless, that the signing in both languages shall not hereafter be cited as a precedent, nor in any way operate to the prejudice of the contracting parties.

Done in quadruplicata in the city of Berlin, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and forty-four, and the sixty-eighth of the Independence of the United States of America.

[SEAL.] HENRY WHEATON.
[SEAL.] B'ON DE SCHAEFFER-BERNSTEIN.

[For stipulations of June 16, 1852, for the mutual delivery of criminals fugitives from justice in certain cases, between the United States and the Elector of Hesse, the Grand Duke of Hesse and on Rhine, and the Landgrave of Hesse-Homburg, and other powers, see convention of that date with Prussia and other states of the Germanic Confederation.]

1868.

CONVENTION RELATIVE TO NATURALIZATION.

Concluded August 1, 1868; *ratifications exchanged at Berlin, July* 23, 1869; *proclaimed August* 31, 1869.

Whereas an agreement was made on the 22d of February, 1868, between the United States of America and the North German Confederation, to regulate the citizenship of those persons who emigrate from

the United States of America to the territory of the North German Confederation, and from the North German Confederation to the United States of America; and whereas this agreement by publication in the bulletin of the laws of that Confederation has obtained binding force in the parts of the Grand Duchy of Hesse belonging to the North German Confederation, it has seemed proper in like manner to establish regulations respecting the citizenship of such persons as emigrate from the United States of America to the parts of the Grand Duchy of Hesse not belonging to the North German Confederation, and from the above-described parts of Hesse to the United States of America.

The President of the United States of America and His Royal Highness the Grand Duke of Hesse and by Rhine have therefore resolved to treat on this subject, and for that purpose have appointed Plenipotentiaries to conclude a convention, that is to say:

The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary, and His Royal Highness the Grand Duke of Hesse and by Rhine, &c., Dr. Frederick Baron von Lindelof, President of his Council of State, Minister of Justice, and Actual Privy Counsellor;

Negotiators.

Who have agreed to and signed the following articles:

ARTICLE I.

When citizens of the Grand Duchy of Hesse are to be treated as American citizens, and vice versa.

Citizens of the parts of the Grand Duchy of Hesse not included in the North German Confederation, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the Grand Ducal Hessian Government to be Amercian citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America, who have become or shall become naturalized citizens of the above-described parts of the Grand Duchy Hesse, and shall have resided uninterruptedly therein five years, shall be held by the United States to be citizens of the Grand Duchy Hesse, and shall be treated as such.

Declaration of intent.

The declaration of an intention to become a citizen of the one or the other country, has not for either party the effect of naturalization.

ARTICLE II.

Offences committed before emigration.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, saving always the limitation established by the laws of his original country.

ARTICLE III.

Convention for extradition of fugitives from justice.

The convention for the mutual delivery of criminals fugitives from justice in certain cases, concluded between the United States of America and the Grand Duchy Hesse, on the 16th of June, 1852, remains in force, without change.

ARTICLE IV.

Renunciation of citizenship.

If a Hessian, naturalized in America, but originally a citizen of the parts of the Grand Duchy not included in the North German Confederation, renews his residence in those parts without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

Reciprocally, if an American, naturalized in the Grand Duchy of Hesse, (within the above-described parts,) renews his residence in the United States without the intent to return to Hesse, he shall be held to have renounced his naturalization in the Grand Duchy.

The intent not to return may be held to exist, when the person naturalized in the one country resides more than two years in the other country.

ARTICLE V.

The present convention shall go into effect immediately, on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention. Duration of convention.

ARTICLE VI.

The present convention shall be ratified by the President of the United States of America, and by His Royal Highness the Grand Duke of Hesse and by Rhine, etc. The ratification of the first is to take effect by and with the advice and consent of the Senate of the United States; on the Grand Ducal Hessian side, the assent of the States of the Grand Duchy is reserved, in so far as it is required by the constitution. Ratifications.

The ratifications shall be exchanged at Berlin within one year of the present date.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Darmstadt, the 1st of August, 1868.

[SEAL.] GEO. BANCROFT.

[SEAL.] FRIEDRICH FREIHERR VON LINDELOF.

HONDURAS.

1864.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

Concluded July 4, 1864; *ratifications exchanged at Tegucigalpa May* 5, 1865; *proclaimed May* 30, 1865.

Commercial intercourse having been for some time established between the United States and the Republic of Honduras, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the United States and the said Republic, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signature of a treaty of amity, commerce, and navigation. For this purpose they have named their respective Plenipotentiaries, that is to say:

Negotiators.

The President of the United States, Thomas H. Clay, Minister Resident of the United States to the Republic of Honduras; and His Excellency the President of the Republic of Honduras, Señor Licenciado Don Manuel Colindres, Minister of Foreign Relations of that Republic;

Who, after having communicated to each other their full-powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

Peace and amity.

There shall be perpetual amity between the United States and their citizens on the one part, and the Government of the Republic of Honduras and its citizens on the other.

ARTICLE II.

Reciprocal freedom of commerce.

There shall be, between all the Territories of the United States and the Territories of the Republic of Honduras, a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports, and rivers in the Territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce; subject, always, to the laws and statutes of the two countries respectively.

In like manner the respective ships of war and post-office packets of the two countries shall have liberty, freely and securely, to come to all

harbors, rivers, and places to which other foreign ships of war and packets are or may be permitted to come, to enter into the same, to anchor and to remain there and refit; subject, always, to the laws and statutes of the two countries respectively.

By the right of entering the places, ports, and rivers mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade national vessels only of the country where the trade is carried on are permitted to engage. Coasting trade.

ARTICLE III.

It being the intention of the two high contracting parties to bind themselves by the preceding articles, to treat each other on the footing of the most favored nation, it is hereby agreed between them that any favor, privilege, or immunity whatever, in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other high contracting party gratuitously, if the concession in favor of that other nation shall have been gratuitous; or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional. Most favored nation.

ARTICLE IV.

No higher nor other duties shall be imposed on the importation into the territories of the United States of any articles being of the growth, produce, or manufacture of the Republic of Honduras, and no higher nor other duties shall be imposed upon the importation into the territories of the Republic of Honduras of any articles being the growth, produce, or manufacture of the territories of the United States, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles the growth, produce, or manufacture of the territories of the United States, or of the Republic of Honduras, to or from the said territories of the United States, or to or from the Republic of Honduras, which shall not extend equally to all other nations. No discriminating duties on account of nationality of imports or destination of exports.

ARTICLE V.

No higher nor other duties or payments on account of tonnage, of light or harbor dues, of pilotage, of salvage, in case either of damage or shipwreck, or on account of any other local charges, shall be imposed in any of the ports of the Republic of Honduras, on vessels of the United States, than those payable in the same ports by vessels of Honduras; nor in any of the ports of the United States, on vessels of Honduras, than shall be payable in the same ports on vessels of the United States. No discrimination in tonnage duties.

ARTICLE VI.

No discrimination in duties on account of nationality of vessels.

The same duties shall be paid on the importation into the territories of the Republic of Honduras of any article being of the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in vessels of Honduras or of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the Republic of Honduras, whether such importation shall be made in United States or in Honduras vessels.

No discrimination in duties, drawbacks, and bounties on exports.

The same dues shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Honduras of any articles being the growth, produce, or manufacture of the territories of the United States, whether such exportations shall be made in vessels of Honduras or of the United States; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles being the growth, produce, or manufacture of the Republic of Honduras to the territories of the United States, whether such exportation shall be made in United States or in Honduras vessels.

ARTICLE VII.

Privileges of citizens of one nation in the territory of the other in business affairs.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty, in all the territories of the Republic of Honduras, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by citizens of Honduras, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of Honduras; and absolute freedom, in all cases, shall be allowed to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the Republic of Honduras, as they shall see good, observing the laws and established customs of the country.

The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Honduras under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries, respectively, for the prosecution and defense of their just rights; and they shall be at liberty to employ, in all cases, the advocates, attorneys, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

ARTICLE VIII.

Further privileges.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice, the citizens of the two high con-

tracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens, and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting, of course, to the local laws and regulations of each country respectively.

Estates of persons deceased.

If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

ARTICLE IX.

Military service.

The citizens of the United States residing in the Republic of Honduras, and the citizens of the Republic of Honduras residing in the United States, shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions, and they shall not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions, or taxes greater than those that are paid by native citizens of the contracting parties respectively.

ARTICLE X.

Diplomatic Agents and Consuls.

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Diplomatic Agents and Consuls of Honduras shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the Diplomatic Agents and Consuls of the United States in the territories of Honduras shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Honduras to the Diplomatic Agents and Consuls of the most favored nation.

Rights of Consuls.

ARTICLE XI.

Case of war.

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Honduras, it is agreed that if at any time any interruption of friendly intercourse, or any rupture, should unfortunately take place between the two high contracting parties, the citizens of either of the two high contracting parties who may be within any of the territories of the other shall, if residing upon the coast, be allowed six months, and, if in the interior, a whole year, to wind up their accounts and dispose of their property; and a safe conduct shall be given them to embark at the port which they themselves shall select. And even in the event of a rupture, all such citizens of either of the two high contracting parties who are

established in any of the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining, and of continuing such trade and employment therein without any manner of interruption, in the full enjoyment of their liberty and property as long as they behave peaceably, and commit no offense against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case debts between individuals, property in public funds, and shares of companies, shall never be confiscated, sequestered, nor detained.

ARTICLE XII.

Privileges of citizens of one nation in the territory of the other.

The citizens of the United States and the citizens of the Republic of Honduras, respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and properties the protection of the Government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested, or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, either within their own private houses or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories of the two high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country. Liberty shall also be granted to bury the citizens of either of the two high contracting parties who may die in the territories aforesaid, in burial places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way, or upon any account.

ARTÍCLE XIII.

Duration of certain articles of the treaty.

In order that the two high contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective citizens, it is agreed that, at any time after the expiration of seven years from the date of exchange of the ratifications of the present treaty, either of the high contracting parties shall have the right of giving to the other party notice of its intention to terminate Articles IV, V, and VI of the present treaty; and that at the expiration of twelve months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein, shall cease to be binding on the two high contracting parties.

ARTICLE XIV.

Honduras Inter-oceanic Railway Company.

Inasmuch as a contract was entered into by the Government of Honduras and a company entitled the "Honduras Inter-oceanic Railway Company," for the construction of a railway from the Atlantic to the Pacific Oceans, through the territories of Honduras, which contract was ratified by the constitutional powers of

the State, and proclaimed as a law on the 28th April, 1854; and inasmuch, by the terms of article 5, section VI, of said contract, "the Government of Honduras, with the view to secure the route herein contemplated from all interruption and disturbance from any cause, or under any circumstances, engages to open negotiations with the various Governments with which it may have relations for their separate recognition of the perpetual neutrality, and for the protection of the aforesaid route;" therefore, to carry out the obligations thus incurred:

1. The Government of Honduras agrees that the right of way on or transit over such route or road, or any other that may be constructed within its territories, from sea to sea, shall be at all times open and free to the Government and citizens of the United States for all lawful purposes whatever. No tolls, duties, or charges of any kind shall be imposed by the Government of Honduras on the transit of property belonging to the Government of the United States, or on the public mails sent under authority of the same, nor on the citizens of the United States. And all lawful produce, manufactures, merchandise, or other property belonging to the citizens of the United States, passing from one ocean to the other, in either direction, shall be subject to no import or export duties whatever, nor to any discriminating tolls or charges for conveyance or transit, on any such route or road as aforesaid, and shall be secure and protected from all interruption or detention on the part of the State. The Republic of Honduras further agrees that any other privilege or advantage, commercial or other, which is or may be granted to the subjects or citizens of any other country, in regard to such route or road as aforesaid, shall also, and at the same time, be extended to citizens of the United States; and finally, as an evidence of its disposition to accord to the travel and commerce of the world all the advantages resulting from its position in respect to the two great oceans, Honduras, of her own good will, engages to establish the ports at the extremities of the contemplated road, as free ports, for all the purposes of commerce and trade.

2. In consideration of these concessions, in order to secure the construction and permanence of the route or road herein contemplated, and also to secure, for the benefit of mankind, the uninterrupted advantages of such communication from sea to sea, the United States recognizes the rights of sovereignty and property of Honduras in and over the line of said road, and for the same reason guarantees, positively and efficaciously, the entire neutrality of the same, so long as the United States shall enjoy the privileges conceded to it in the preceding section of this article. And when the proposed road shall have been completed, the United States equally engages, in conjunction with Honduras, to protect the same from interruption, seizure, or unjust confiscation, from whatsoever quarter the attempt may proceed.

3. Nevertheless, the United States, in according its protection to the said route or road, and guaranteeing its neutrality, when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn if the United States should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this article, either by making unfair discriminations in favor of the commerce of any nation or nations over the commerce of any other nation or nations, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and

guarantee shall not, however, be withdrawn by the United States without first giving six months' notice to the Republic of Honduras.

ARTICLE XV.

The present treaty shall be ratified, and the ratifications shall be exchanged at Comayagua within the space of one year, or sooner if possible.

Ratifications.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Comayagua this fourth day of July, in the year of our Lord one thousand eight hundred and sixty-four.

[SEAL.] THOS. H. CLAY.
[SEAL.] M. COLINDRES.

ITALY.

1868.*

CONVENTION CONCERNING THE RIGHTS AND PRIVILEGES OF CONSULS.

Concluded February 8, 1868; *ratifications exchanged at Washington September* 17, 1868; *proclaimed February* 23, 1869.

The President of the United States and His Majesty the King of Italy, recognizing the utility of defining the rights, privileges, and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose.

Accordingly, they have named:

The President of the United States, William H. Seward, Secretary of State of the United States; His Majesty the King of Italy, the Commander Marcello Cerruti, &c., &c.; Negotiators.

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Each of the high contracting parties agrees to receive from the other Consuls General, Consuls, Vice-Consuls, and Consular Agents, in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other Power. Consuls.

ARTICLE II.

Consular officers, on the presentation of their commissions in the forms established in their respective countries, shall be furnished with the necessary exequatur free of charge, and on the exhibition of this instrument they shall be permitted to enjoy the rights, prerogatives, and immunities granted by this convention. Exequatur.

ARTICLE III.

Consular officers, citizens or subjects of the State by which they are appointed, shall be exempt from arrest, except in the case of offences which the local legislation qualifies as crimes, and punishes as such; from military billetings, from service in the militia or in the national guard, or in the regular army, and from all taxation, Federal, State, or municipal. If, however, they are citizens or subjects of the State where they reside, or own property, or engage Rights of Consuls, citizens of the State appointing them.

* See Notes: "Abrogated, suspended, or obsolete treaties."

in business there, they shall be liable to the same charges of all kinds as other citizens or subjects of the country, who are merchants or owners of property.

ARTICLE IV.

Consuls as witnesses.

No consular officer who is a citizen or subject of the State by which he was appointed, and who is not engaged in business, shall be compelled to appear as a witness before the courts of the country where he may reside. When the testimony of such a consular officer is needed, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided.

In all criminal cases contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to United States Consuls in Italy in the like cases.

ARTICLE V.

Arms and flags.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices, or of their dwelling-houses, the arms of their nation, with this inscription, "Consulate, or Vice-Consulate, or Consular Agency," of the United States, or of Italy, &c., &c. And they may also raise the flag of their country on their offices or dwellings, except in the capital of the country, when there is a legation there.

ARTICLE VI.

Consular archives.

The consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

ARTICLE VII.

Death or absence of Consuls.

In the event of the death, incapacity, or absence of Consuls General, Consuls, Vice-Consuls, and Consular Agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister for Foreign Affairs in Italy, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

ARTICLE VIII.

Power of Consuls to appoint Vice-Consuls.

Consuls General and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their consular jurisdiction. These officers may be citizens of the United States, Italian subjects, or other foreigners. They shall be furnished with a commission by the Consul who appoints them, and under whose

orders they are to act. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles III and IV.

ARTICLE IX.

Infractions of treaties or conventions.

Consuls General, Consuls, Vice-Consuls, and Consular Agents, may complain to the authorities of the respective countries, whether Federal or local, judicial or local, judicial or executive, within their consular district, of any infraction of the treaties and conventions between the United States and Italy, or for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

ARTICLE X.

Powers of Consuls.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen or subject of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens and subjects of their country, and the citizens, subjects, or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said consular officer may belong. Copies of such papers, and official documents of every kind, whether in the original, copy, or translation, duly authenticated and legalized, by the Consuls General, Consuls, Vice-Consuls, and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Italy.

ARTICLE XI.

Powers of Consuls relative to the vessels of their country and the masters and crews.

Consuls General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. Neither the Federal, State, or municipal authorities or courts in the United States, nor any court or authority in Italy, shall on any pretext interfere in these differences, but shall render forcible aid to consular officers, when they may ask it, to search, arrest, and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to either the Federal, State, or municipal courts or authorities in the United States, or to any court or authority in Italy, and supported by an official extract from the register of the ship, or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the consular officers.

Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons shall be paid by the consular officers.

ARTICLE XII.

Settlement of disputes between the officers of vessels and their passengers.

In conformity with the act of Congress, (5 [3] March, 1855, "to regulate the carriage of passengers on steamships and other vessels,") all disputes and differences of any nature between the captains and their officers on one hand, and the passengers of their ships on the other, shall be brought to and decided by the circuit or district courts in the United States, to the exclusion of all other courts or authorities.

ARTICLE XIII.

Deserters.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents may arrest the officers, sailors, and all other persons making part of the crew of ships of war or merchant vessels of their nation who may be guilty, or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To that end, the Consuls of Italy in the United States may apply in writing to either the Federal, State, or municipal courts or authorities; and the Consuls of the United States in Italy may apply to any of the competent authorities and make a request in writing for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belonged to the said crew.

Upon such request alone, thus supported, and without the exaction of any oath from the consular officers, the deserters, not being citizens or subjects of the country where the demand is made at the time of their shipping, shall be given up. All the necessary aid and protection shall be furnished for the search, pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

ARTICLE XIV.

Damages suffered at sea.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries where they reside. If, however, any inhabitant of the country, or citizen, or subject of a third Power shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

ARTICLE XV.

Salvage.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Italy, and of Italian vessels wrecked upon the coasts of the United States, shall be directed by the Consuls-General, Consuls, and Vice-Consuls of the two countries respectively, and, until their arrival, by the respective consular agents, whenever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose

district the wreck may have occurred, and who shall immediately be informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

ARTICLE XVI.

In case of the death of a citizen of the United States in Italy, or of an Italian subject in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

Death of citizens of one nation in the territory of the other.

ARTICLE XVII.

The present convention shall remain in force for the space of ten (10) years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington, within the period of six (6) months, or sooner if possible.

Duration of convention.

In case neither party gives notice, twelve (12) months after the expiration of the said period of ten (10) years, of its intention not to renew this convention, it shall remain in force one (1) year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof, the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate, at Washington, the eighth day of February, 1868, the ninety-second year of the Independence of the United States of America.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] MARCELLO CERRUTI.

1869.

ADDITIONAL ARTICLE TO CONVENTION OF FEBRUARY 8, 1868.

Concluded January 21, 1869; *ratifications exchanged at Washington May* 7, 1869; *proclaimed May* 11, 1869.

The exchange of ratifications of the convention for regulating the jurisdiction of Consuls, between the United States and His Majesty the King of Italy, which was signed on the 8th of February, 1868, having been unavoidably delayed beyond the period stipulated in Article XVII, it is agreed between the high contracting parties that the said convention shall have the same force

Time for exchanging ratifications of convention relating to Consuls extended.

and effect as it would have had if the exchange had been effected within the stipulated period.

In witness whereof, the respective Plenipotentiaries have signed the present article in duplicate, and have affixed thereto the seal of their arms.

Done at Washington the 21st day of January, 1869.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] M. CERRUTI.

1868.

CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE.

Concluded March 23, 1868; *ratifications exchanged at Washington September* 17, 1868; *proclaimed September* 30, 1868.

The United States of America and His Majesty the King of Italy, having judged it expedient, with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

Negotiators.

The President of the United States, William H. Seward, Secretary of State; His Majesty the King of Italy, the Commander Marcello Cerruti, Envoy Extraordinary and Minister Plenipotentiary;

Who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

ARTICLE I.

Extradition of criminals.

The Government of the United States and the Government of Italy mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ARTICLE II.

Crimes.

Persons shall be delivered up who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes:*

1. Murder, comprehending the crimes designated in the Italian penal code by the terms of parricide, assassination, poisoning, and infanticide.

2. The attempt to commit murder.

* Kidnapping added to the list of crimes by Article I of the convention of June 11, 1884.

3. The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

4. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence or putting him in fear.

5. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or Government acts.

6. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank-notes, and obligations, and in general of any title and instrument of credit whatsoever, the counterfeiting of seals, dies, stamps, and marks of State and public administrations, and the utterance thereof.

7. The embezzlement of public moneys, committed within the jurisdiction of either party, by public officers or depositors.

8. Embezzlement* by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE III.

Political offences.

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

ARTICLE IV.

Extradition for local offences.

If the person whose surrender may be claimed, pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE V.†

Requisitions for extradition: modes of procedure.

Requisitions for the surrender of fugitives from justice shall be made by the respective Diplomatic Agents of the contracting parties, or in the event of the absence of these from the country or its seat of Government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Italy, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or of the depo-

*Amended by convention of January 21, 1869.
†Amended by Article II of the convention of June 11, 1884.

sitions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Italy, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE VI.

Expenses. The expenses of the arrest, detention, and transportation of the persons claimed, shall be paid by the Government in whose name the requisition shall have been made.

ARTICLE VII.

Duration of convention. This convention shall continue in force during five (5) years from the day of exchange of ratifications; but if neither party shall have given to the other six (6) months' previous notice of its intention to terminate the same, the convention shall remain in force five years longer, and so on.

Ratifications. The present convention shall be ratified, and the ratifications exchanged at Washington, within six (6) months, and sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at Washington the twenty-third day of March, A. D. one thousand eight hundred and sixty-eight, and of the Independence of the United States the ninety-second.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] M. CERRUTI.

1869.

CONVENTION FOR THE EXTRADITION OF CRIMINALS FUGITIVE FROM JUSTICE, BEING ADDITIONAL ARTICLE TO THE CONVENTION OF MARCH 23, 1868.

Concluded January 21, 1869; *ratifications exchanged at Washington May* 7, 1869; *proclaimed May* 11, 1869.

Embezzlement to be cause for extradition. It is agreed that the concluding paragraph of the second article of the convention aforesaid shall be so amended as to read as follows:

8. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment according to the laws of the United States, and criminal punishment according to the laws of Italy.

In witness whereof, the respective Plenipotentiaries have signed the present article in duplicate, and have affixed thereto the seal of their arms.

Done at Washington the 21st day of January, 1869.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] M. CERRUTI.

1871.

TREATY OF COMMERCE AND NAVIGATION.

Concluded February 26, 1871; *ratifications exchanged at Washington November* 18, 1871; *proclaimed November* 23, 1871.

The United States of America and His Majesty the King of Italy, desiring to extend and facilitate the relations of commerce and navigation between the two countries, have determined to conclude a treaty for that purpose, and have named as their respective Plenipotentiaries:

The United States of America, George Perkins Marsh, their Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Italy; and His Majesty the King of Italy, the Noble Emilio Visconti Venosta, Grand Cordon of his Orders of the Saints Maurice and Lazarus, and of the Crown of Italy, Deputy in Parliament, and his Minister Secretary of State for Foreign Affairs; Negotiators.

And the said Plenipotentiaries, having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation.

Italian citizens in the United States, and citizens of the United States in Italy, shall mutually have liberty to enter with their ships and cargoes all the ports of the United States and of Italy, respectively, which may be open to foreign commerce. They shall also have liberty to sojourn and reside in all parts whatever of said territories. They shall enjoy, respectively, within the States and possessions of each party, the same rights, privileges, favors, immunities, and exemptions for their commerce and navigation as the natives of the country wherein they reside, without paying other or higher duties or charges than are paid by the natives, on condition of their submitting to the laws and ordinances there prevailing. Freedom of commerce and navigation. Privileges of citizens of one nation in the territory of the other.

War vessels of the two Powers shall receive in their respective ports the treatment of those of the most favored nation. War vessels.

ARTICLE II.

The citizens of each of the high contracting parties shall have liberty to travel in the States and Territories of the other, to carry on trade, wholesale and retail, to hire and occupy houses and warehouses, to employ agents of their choice, and generally to do anything incident to or necessary for trade, upon the same terms as the natives of the country, submitting themselves to the laws there established. Right to travel and carry on trade.

ARTICLE III.

The citizens of each of the high contracting parties shall receive, in the States and Territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or shall be granted to the natives, on their submitting themselves to the conditions imposed upon the natives. Security to persons and property.

Exemption from compulsory military service, from office, and contributions.

They shall, however, be exempt in their respective territories from compulsory military service, either on land or sea, in the regular forces, or in the national guard, or in the militia. They shall likewise be exempt from any judicial or municipal office, and from any contribution whatever, in kind or in money, to be levied in compensation for personal services.

ARTICLE IV.

No embargo or detention without indemnification.

The citizens of neither of the contracting parties shall be liable, in the States or Territories of the other, to any embargo, nor shall they be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatsoever, without allowing to those interested a sufficient indemnification previously agreed upon when possible.

ARTICLE V.

No discrimination in duties, drawbacks, and bounties.

The high contracting parties agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in Italian vessels; that no other or higher duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and, in like manner, that whatsoever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into Italy in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and they further agree that whatever may be lawfully exported and re-exported from the one country, in its own vessels, to any foreign country, may in the like manner be exported or re-exported in the vessels of the other country, and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of Italy.

ARTICLE VI.

No discriminating duties on account of nationality of imports.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of Italy, and no higher or other duties shall be imposed on the importation into Italy of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or the manufactures of any other foreign country; nor shall any other or higher duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to Italy, respectively, than such as are payable on the exportation of the like articles to any foreign country, nor shall any prohibition be imposed on the importation or the exportation of any articles the produce or manufactures of the United States or of Italy, to or from the territories of the United States, or to or from the territories of Italy, which shall not equally extend to all other nations.

No discriminating duties upon exports.

Most favored nation.

ARTICLE VII.

Vessels of the United States arriving at a port of Italy, and, reciprocally, vessels of Italy arriving at a port of the United States, may proceed to any other port of the same country, and may there discharge such part of their original cargoes as may not have been discharged at the port where they first arrived. It is, however, understood and agreed that nothing contained in this article shall apply to the coastwise navigation, which each of the two contracting parties reserves exclusively to itself.

Vessels of either country entering a port of the other may proceed to another port and discharge; but not engage in coastwise navigation.

ARTICLE VIII.

The following shall be exempt from paying tonnage, anchorage, and clearance duties in the respective ports:

1st. Vessels entering in ballast, and leaving again in ballast, from whatever port they may come.

Certain vessels to be exempt from tonnage, anchorage, and clearance duties.

2. Vessels passing from a port of either of the two States into one or more ports of the same State, therein to discharge a part or all of their cargo, or take in or complete their cargo, whenever they shall furnish proof of having already paid the aforesaid duties.

3. Loaded vessels entering a port either voluntarily or forced from stress of weather, and leaving it without having disposed of the whole or part of their cargoes, or having therein completed their cargoes.

No vessel of the one country, which may be compelled to enter a port of the other, shall be regarded as engaging in trade if it merely breaks bulk for repairs, transfers her cargo to another vessel on account of unseaworthiness, purchases stores, or sells damaged goods for re-exportation. It is, however, understood that all portions of such damaged goods destined to be sold for internal consumption shall be liable to the payment of custom duties.

What vessels not to be considered as engaging in trade.

What damaged goods to pay customs duties.

ARTICLE IX.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage, on the coasts or within the dominions of the other, there shall be given to it all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, and to reload the same, or part thereof, paying no duties whatsoever but such as shall be due upon the articles left for consumption.

Shipwrecks.

ARTICLE X.

Vessels of either of the contracting parties shall have liberty, within the territories and dominions of the other, to complete their crew, in order to continue their voyage, with sailors articled in the country, provided they submit to the local regulations and their enrolment be voluntary.

Vessels may complete their crews.

ARTICLE XI.

All ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or

Vessels captured by pirates.

dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of the respective Governments.

ARTICLE XII.

Case of war.

The high contracting parties agree that, in the unfortunate event of a war between them, the private property of their respective citizens and subjects, with the exception of contraband of war, shall be exempt from capture or seizure, on the high seas or elsewhere, by the armed vessels or by the military forces of either party; it being understood that this exemption shall not extend to vessels and their cargoes which may attempt to enter a port blockaded by the naval forces of either party.

Blockade.

ARTICLE XIII.

What to constitute a legal blockade.

The high contracting parties having agreed that a state of war between one of them and a third Power shall not, except in the cases of blockade and contraband of war, affect the neutral commerce of the other, and being desirous of removing every uncertainty which may hitherto have arisen respecting that which, upon principles of fairness and justice, ought to constitute a legal blockade, they hereby expressly declare that such places only shall be considered blockaded as shall be actually invested by naval forces capable of preventing the entry of neutrals, and so stationed as to create an evident danger on their part to attempt it.

ARTICLE XIV.

Vessels attempting in ignorance to enter a blockaded port, not to be detained.

And whereas it frequently happens that vessels sail for a port or a place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband of war, be confiscated, unless, after a warning of such blockade or investment from an officer commanding a vessel of the blockading forces, by an endorsement of such officer on the papers of the vessel, mentioning the date and the latitude and longitude where such endorsement was made, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such a port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof; and if any vessel, having thus entered any port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port blockaded and discharge the said cargo, and if, after receiving the said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

Endorsement on the vessel's papers.

Vessels in port when blockade is established.

Article XV.

The liberty of navigation and commerce secured to neutrals by the stipulations of this treaty shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war. And, in order to remove all causes of doubt and misunderstanding upon this subject, the contracting parties expressly agree and declare that the following articles, and no others, shall be considered as comprehended under this denomination: Contraband of war.

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabers, lances, spears, halberds, bombs, grenades, powder, matches, balls, and all other things belonging to, and expressly manufactured for, the use of these arms.

2. Infantry belts, implements of war and defensive weapons, clothes cut or made up in a military form and for a military use.

3. Cavalry belts, war saddles and holsters.

4. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

Article XVI.

It shall be lawful for the citizens of the United States, and for the subjects of the Kingdom of Italy, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party without any opposition or disturbance whatever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt from capture which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of the other, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board of a free ship; and they shall not be taken out of that free ship unless they are officers or soldiers, and in the actual service of the enemy: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle, but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others. Citizens of either country may sail from any port and trade in the ports of those who are enemies of the other. Free ships make free goods. Conditions.

Article XVII.

All vessels sailing under the flag of the United States, and furnished with such papers as their laws require, shall be regarded in Italy as vessels of the United States, and, reciprocally, all vessels sailing under the flag of Italy, and furnished with the papers Proofs of nationality of vessels.

which the laws of Italy require, shall be regarded in the United States as Italian vessels.

ARTICLE XVIII.

Right of search.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war shall meet with a vessel not of war of the other contracting party, the first shall remain at a convenient distance, and may send its boat, with two or three men only, in order to execute the said examination of the papers, concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment; and it is expressly agreed that the unarmed party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XIX.

Vessels under convoy.

It is agreed that the stipulations contained in the present treaty relative to the visiting and examining of a vessel shall apply only to those which sail without a convoy; and when said vessels shall be under convoy the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XX.

Commanders of ships of war liable to punishment and damages for outrages on persons or property of citizens of the other country.

In order effectually to provide for the security of the citizens and subjects of the contracting parties, it is agreed between them that all commanders of ships of war of each party, respectively, shall be strictly enjoined to forbear from doing any damage to or committing any outrage against the citizens or subjects of the other, or against their vessels or property; and if the said commanders shall act contrary to this stipulation, they shall be severely punished, and made answerable in their persons and estates for the satisfaction and reparation of said damages, of whatever nature they may be.

ARTICLE XXI.

Case of war.

If by any fatality, which cannot be expected, and which may God avert, the two contracting parties should be engaged in a war with each other, they have agreed and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects wherever they please, with the safe conduct necessary to protect them and their property, until they arrive at the ports designated for their embarkation. And all women and children, scholars of every faculty, cultivators of the earth, artisans, mechanics, manufacturers, and fishermen, unarmed and inhabiting the unfortified towns, villages, or places, and, in general, all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the belligerent in whose power, by the events of war, they may happen to fall; but, if it

be necessary that anything should be taken from them for the use of such belligerent, the same shall be paid for at a reasonable price.

And it is declared that neither the pretence that war dissolves treaties, nor any other whatever, shall be considered as annulling or suspending this article; but, on the contrary, that the state of war is precisely that for which it is provided, and during which its provisions are to be sacredly observed as the most acknowledged obligations in the law of nations.

This article not to be annulled or suspended on any pretence.

ARTICLE XXII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein such goods are shall be subject to pay in like cases.

Property of citizens of one nation in the territory of the other.

As for the case of real estate, the citizens and subjects of the two contracting parties shall be treated on the footing of the most favored nation.

ARTICLE XXIII.

The citizens of either party shall have free access to the courts of justice, in order to maintain and defend their own rights, without any other conditions, restrictions, or taxes than such as are imposed upon the natives. They shall, therefore, be free to employ, in defense of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidences which may be exhibited in the said trials.

Courts of justice to be open to the citizens of either country.

ARTICLE XXIV.

The United States of America and the Kingdom of Italy mutually engage not to grant any particular favor to other nations, in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely if the concession was freely made, or on allowing the same compensation if the concession was conditional.

Most favored nation.

ARTICLE XXV.

The present treaty shall continue in force for five (5) years from the day of the exchange of the ratifications; and if, twelve (12) months before the expiration of that period, neither of the high contracting parties shall have announced to the other, by an official notification, its intention to terminate the said treaty, it shall remain obligatory on both parties one (1) year beyond that time, and so on until the expiration of the twelve (12) months, which will follow a similar notification, whatever may be the time when such notification shall be given.

Duration of treaty.

ARTICLE XXVI.

Ratifications.

The present treaty shall be approved and ratified by His Majesty the King of Italy, and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington within twelve months from the date hereof, or sooner if possible.

In faith whereof the Plenipotentiaries of the contracting parties have signed the present treaty in duplicate, in the English and Italian languages, and thereto affixed their respective seals.

Done at Florence this twenty-sixth day of February, in the year of our Lord one thousand eight hundred and seventy-one.

[SEAL.] GEORGE P. MARSH.
[SEAL.] VISCONTI VENOSTA.

1878.

CONVENTION CONCERNING THE RIGHTS AND PRIVILEGES OF CONSULS.

Concluded May 8, 1878; *ratifications exchanged at Washington September* 18, 1878; *proclaimed September* 27, 1878.

Negotiators.

The President of the United States and His Majesty the King of Italy, recognizing the utility of defining the rights, privileges and immunities of consular officers in the two countries, have determined to conclude a consular convention for that purpose, and accordingly, have named: The President of the United States, William M. Evarts, Secretary of State of the United States: His Majesty the King of Italy, Baron Alberto Blanc, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Recognition of consular officers.

Each of the high contracting parties pledges itself to admit the Consuls General, Consuls, Vice-Consuls and Consular Agents of the other in all its ports, places and cities, with the exception of those in which it may not be deemed proper to recognize such functionaries.

This reservation, however, shall not be applied to one of the high contracting parties without being applied in like manner to all the other Powers.

ARTICLE II.

Exequaturs.

Consular officers shall receive, after presenting their commissions, and according to the formalities established in the respective countries, the exequatur required for the exercise of their functions, which shall be furnished to them free of cost; and on presentation of this document, they shall be admitted by all the authorities of their place of residence, to the enjoyment of the rights, prerogatives and immunities granted them by this convention.

ARTICLE III.

Consular offices, citizens of the state by which they were appointed, shall be exempt from arrest or imprisonment in civil cases and from preliminary arrest in penal cases, except in the case of offenses which the local law qualifies as crimes and punishes as such, and they shall be exempt from military billettings and from the performance of service in the army, in the militia, or national guard, and in the navy. Rights of Consuls, citizens of the State appointing them.

The aforesaid consular officers shall be exempt from all national, state or municipal taxes, imposed upon persons either in the nature of capitation tax or in respect to their property unless such taxes become due on account of the possession of real estate or for interest on capital invested in the state in which they reside. If they are engaged in trade, manufactures or commerce, they shall not enjoy such exemption but shall be obliged to pay the same taxes as are paid by other foreigners under similar circumstances.

ARTICLE IV.

Consular officers, citizens of the state which appointed them, and who are not engaged in trade, professional business or any kind of manufactures, shall not be obliged to appear as witnesses before the courts of the country in which they reside. If their testimony should be necessary, they shall be requested in writing to appear in court, and in case of impediment their written deposition shall be requested, or it shall be received *viva voce* at their residence or office. Exemptions as witnesses.

It shall be the duty of the aforementioned consular officers to comply with such request without unnecessary delay.

In all the criminal cases contemplated by the VIth article of the amendments of the Constitution of the United States, by virtue of which the right is guaranteed to persons charged with crimes, of obtaining witnesses in their favor, consular officers shall be required to appear, all possible regard being paid to their dignity and to the duties of their office. Exception.

Consuls of the United States in Italy shall receive the same treatment in similar cases.

ARTICLE V.

Consuls General, Consuls, Vice-Consuls and Consular Agents may place over the outer door of their office, the arms of their nation with this inscription: *Consulate* or *Vice-Consulate* or *Consular Agency of the United States* or of *Italy*. Arms and flags.

They may also hoist the flag of their country, over the house in which the consular office is, provided they do not reside in the capital in which the legation of their country is established.

ARTICLE VI.

The consular offices shall be at all times inviolable. The local authorities shall not be allowed to enter them under any pretext, nor shall they in any case examine or sequestrate the papers therein deposited. These offices, however, shall never serve as places of asylum. Consular archives.

When the consular officer is engaged in trade, professional business, or manufactures, the papers relating to the business of the consulate must be kept separate.

ARTICLE VII.

Ad interim officers.

In case of death, incapacity or absence of the Consuls General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors and Secretaries, whose official character shall have been previously announced to the Department of State at Washington, or to the Ministry of Foreign Affairs in Italy, shall be permitted to discharge their functions *ad interim*, and they shall enjoy, while thus acting, the same rights, prerogatives and immunities as the officers whose places they fill, on the condition and with the reserves prescribed for those offices.

ARTICLE VIII.

Vice-consuls and consular agents.

Vice-Consuls or Consular Agents may be appointed by the respective governments or by the Consuls General or Consuls, with the approval of said governments, in the cities, ports, and places of each consular district. These agents may be selected from the citizens of the United States, or from Italian citizens or other foreigners, and they shall be furnished with a commission by the government or by the Consul appointing them under whose orders they are to discharge their functions.

They shall enjoy the privileges provided in this convention for consular officers, subject to the exceptions and reservations provided for the same.

ARTICLE IX.

Application by consuls to Government authorities.

Consuls General, Consuls, Vice-Consuls and Consular Agents may have recourse to the authorities of the respective countries within their district, whether federal or local, judicial or executive, for the purpose of complaining of any infraction of the treaties or conventions existing between the United States and Italy, as also in order to defend the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they reside.

ARTICLE X.

Power to take depositions.

Consuls General, Consuls, Vice-Consuls, and Consular Agents, and their Chancellors or Consular Clerks shall have the right to take in their offices, at the residence of the parties, in their own dwelling and even on board ship, the depositions of captains and crews of the vessels of their nation, of passengers on board of the same, and of any other citizen or subject of their country.

Right to receive contracts.

They shall also have the right to receive at their offices, conformably to the laws and regulations of their country, any contract between citizens or subjects and other inhabitants of the country in which they reside, and also any contract between these latter, provided it relates to real estate situated in the territory of the nation to which the consular officer belongs, or to business which is to be transacted in said country.

Papers relative to contracts received as evidence.

Copies of papers relative to such contracts and official documents of all kinds, whether originals, copies or translations, duly authenticated, by the Consuls General, Consuls, Vice-Consuls and Consular Agents and sealed with the seal of office of the Consulate, shall be received as evidence in the United States and Italy.

ARTICLE XI.*

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order on board of the merchant vessels of their nation, and shall alone take cognizance of questions, of whatever kind, that may arise, both at sea and in port, between the captain, officers and seamen, without exception, and especially of those relating to wages and the fulfilment of agreements reciprocally made. The courts, or federal, state or municipal authorities in the United States, and the tribunals or authorities in Italy, shall not under any pretext, interfere in such questions, but they shall lend aid to consular officers when the latter shall request it, in order to find out, arrest and imprison any person belonging to the crew, whom they may think proper to place in custody. These persons shall be arrested at the sole demand of the consular officers, made in writing to the courts or federal, state or municipal authorities in the United States, or to the competent court or authority in Italy, such demands being supported by an official extract from the register of the vessel and from the crew-list and they shall be detained during the stay of the vessel in the port, at the disposal of the consular officers.

Power of consuls relative to the vessels of their country and the masters and crews.

They shall be released at the written request of the said officer, and the expenses of the arrest and detention shall be paid by the consular officer.

ARTICLE XII.

According to the act of Congress of March 5, 1855, *to regulate the carriage of passengers in steamships and other vessels*, all disputes and questions of any nature that may arise between captains and officers on the one hand, and passengers on board of vessels on the other, shall be brought to and decided by the Circuit or District Courts of the United States to the exclusion of all other courts and authorities.

Settlement of disputes between passengers and officers of vessels.

ARTICLE XIII.

The respective Consuls General, Consuls, Vice-Consuls and Consular Agents, may arrest the officers, seamen and any other person forming part of the crew of the merchant and war vessels of their nation, who have been guilty of or charged with deserting from said vessels, in order to return them to their vessels, or to send them back to their country.

Deserters.

To this effect the consular officers of Italy in the United States, may apply in writing, to either the courts or the federal, state or municipal authorities of the United States, and the consular officers of the United States may apply to any of the competent authorities in Italy, and make a demand for the deserters, showing by exhibiting the register of the vessel and the crew-list, or other official documents, that the persons claimed really belonged to said crew. Upon such request, alone, thus supported, and without the exaction of any oath from the consular officers, the deserters, not being citizens or subjects of the country in which the demand is made, at the time of their shipment, shall be given up.

All assistance and necessary aid moreover, shall be furnished for the search and arrest of said deserters, who shall be placed in the prisons of the country, and kept there at the request and at the expense of the consular officer, until he finds an opportunity to send them home.

* This article is annulled and a new one substituted by the convention of February 24, 1881.

If, however, such an opportunity shall not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again imprisoned for the same cause.

ARTICLE XIV.

Settlement of differences between vessel owners and insurers.

In the absence of an agreement to the contrary, between the owners, freighters and insurers, all damages suffered at sea, by the vessels of the two countries whether they enter the respective ports voluntarily, or are forced by stress of weather or other causes over which the officers have no control, shall be settled by the Consuls General, Consuls, Vice-Consuls and Consular Agents of the country in which they respectively reside; in case, however, any citizen of the country in which said consular officers reside, or subjects of a third power, should be interested in these damages, and the parties cannot come to an amicable agreement, the competent local authorities shall decide.

ARTICLE XV.

Salvage.

All operations relative to the salvage of United States vessels wrecked upon the coasts of Italy, and of Italian vessels upon the coasts of the United States, shall be directed by the respective Consuls General, Consuls and Vice-Consuls of the two countries, and until their arrival, by the respective consular agents, where consular agencies exist.

Persons and property to be protected pending consul's arrival.

In places and ports where there is no such agency, the local authorities shall give immediate notice of the shipwreck to the Consul of the district in which the disaster has taken place, and until the arrival of the said Consul, they shall take all necessary measures for the protection of persons and the preservation of property.

Shipwrecks.

The local authorities shall intervene only to preserve order, and to protect the interest of the salvors, if they do not belong to the crew of the wrecked vessel, and to secure the execution of the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country in which the wreck took place.

ARTICLE XVI.

Death of citizens of one nation in the territory of the other.

In case of the death of a citizen of the United States in Italy, or of an Italian citizen in the United States, who has no known heir, or testamentary executor designated by him, the competent local authorities shall give notice of the fact to the Consuls or Consular Agents of the nation to which the deceased belongs, to the end that information may be at once transmitted to the parties interested.

ARTICLE XVII.

Most favored nation.

The respective Consuls General, Consuls, Vice-Consuls and Consular Agents, as likewise the Consular Chancellors, Secretaries, Clerks or Attachés, shall enjoy in both countries, all the

rights, prerogatives, immunities and privileges which are or may hereafter be granted to the officers of the same grade, of the most favoured nation.

ARTICLE XVIII.

This Convention shall remain in force for the space of ten years from the date of the exchange of the ratifications, which shall take place in conformity with the respective Constitutions of the two countries, at Washington or at Rome, within the period of six months, or sooner, if possible. Duration of Convention and ratifications.

In case neither party gives notice twelve months previously to the expiration of said period of ten years, of its intention not to renew the Convention, this shall remain in force until the expiration of a year from the day on which one of the parties shall have made such announcement.

In faith whereof, the respective plenipotentiaries have signed this Convention, and have thereunto affixed their seals.

Done at Washington the eighth day of May, Anno Domini, one thousand eight hundred and seventy-eight.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] A. BLANC.

1881.

CONVENTION CONCERNING THE RIGHTS AND PRIVILEGES OF CONSULS, BEING SUPPLEMENTAL TO CONVENTION OF MAY 8, 1878.

Concluded February 24, 1881; *ratifications exchanged at Washington June* 18, 1881; *proclaimed June* 29, 1881.

Whereas question has arisen at divers times between the government of the United States of America and the government of His Majesty the King of Italy, touching the interpretation of the eleventh article of the Convention between the two countries, concerning the rights, privileges and immunities of Consular Officers, signed at Washington on the eighth day of May, one thousand eight hundred and seventy-eight, and especially with respect to so much of said article as defines and limits the jurisdiction of the authorities of the country and of the Consular Officers, with regard to offenses and disturbances on shipboard, while in port; and whereas the high contracting parties, have deemed it expedient to remove for the future all ground of question in the premises, by substituting a new article in place of the said eleventh article of that Convention; the United States of America and His Majesty the King of Italy, have resolved to conclude a special supplementary Convention to that end and have appointed as their Plenipotentiaries:

The President of the United States: William Maxwell Evarts, Secretary of State of the United States, and His Majesty the King of Italy: Paul Beccadelli Bologna, Prince of Campo-reale, his Chargé d'Affaires in the United States of America; who Negotiators

after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Amendment of article 11 of previous Convention.

The eleventh article of the Consular Convention of May 8, 1878, between the United States of America and Italy, is hereby annulled, and in its place the following article is substituted, namely:

Power of consuls relative to the vessels of their country and the masters and crews.

Consuls General, Consuls, Vice-Consuls and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation and shall alone take cognizance of differences which may arise either at sea or in port between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. In case any disorder should happen on board of vessels of either party, in the territorial waters of the other, neither the Federal, State or Municipal Authorities or Courts in the United States nor any Court or Authority in Italy, shall on any pretext interfere except when the said disorders are of such a nature as to cause or be likely to cause a breach of the peace or serious trouble in the port or on shore; or when, in such trouble or breach of the peace, a person or persons shall be implicated, not forming a part of the crew. In any other case, said Federal, State or Municipal Authorities or Courts in the United States, or Courts or Authority in Italy, shall not interfere but shall render forcible aid to Consular Officers, when they may ask it, to search, arrest and imprison all persons composing the crew, whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls addressed in writing to either the Federal, State or Municipal Courts or Authorities in the United States, or to any Court or Authority in Italy, and supported by an official extract from the register of the ship or the list of the crew, and the prisoners shall be held during the whole time of their stay, in the port at the disposal of the Consular Officers. Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons, shall be paid by the Consular Officers.

ARTICLE II.

Ratifications.

This supplementary Convention shall be ratified in conformity with the laws of the respective countries, and the ratifications thereof shall be exchanged at Washington, as soon as possible after the date hereof, and immediately upon such exchange, the foregoing form of the said article XI. shall become effective and have the same force as the other articles of the Convention of the eighth day of May of the year 1878 and the same duration.

In faith whereof, the respective Plenipotentiaries have signed this Convention and have thereunto affixed their seals.

Done in duplicate at Washington, the twenty-fourth day of February, Anno Domini, one thousand eight hundred and eighty-one.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] CAMPOREALE.

1882.

DECLARATION FOR THE RECIPROCAL PROTECTION OF MARKS OF MANUFACTURE AND TRADE.

Concluded June 1, 1882; *ratification advised by the Senate February* 25, 1884; *proclaimed March* 19, 1884.

DECLARATION.

The Government of the United States of America and the Government of His Majesty the King of Italy, wishing to provide for the reciprocal protection of the marks of manufacture and trade, have agreed as follows:

The citizens of each of the high contracting parties shall enjoy, in the dominions and possessions of the other the same rights as belong to native citizens, or as are now granted or may hereafter be granted to the subjects or citizens of the most favored nation, in everything relating to property in trade-marks and trade-labels. Reciprocal protection of trade-marks

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

In witness whereof the undersigned, having been duly authorized to this effect, have signed the present declaration, and have affixed thereto the seal of their arms.

Done in duplicate original at Washington, this first day of June, one thousand eight hundred and eighty-two.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] FAVA.

[*Note.*—Inasmuch as the act of Congress, entitled "An act relating to the registration of trade-marks", approved August 5, 1882, gives the right of trade-mark registry to subjects of any foreign country which by law admits the like right for citizens of the United States, this Declaration is held to be an establishment of the fact that such reciprocal privilege exists, and is therefore effective from June 1, 1882, the date of its signature.]

1884.

CONVENTION FOR THE EXTRADITION OF CRIMINALS FUGITIVE FROM JUSTICE, BEING SUPPLEMENTARY TO THE CONVENTION OF MARCH 23, 1868.

Concluded June 11, 1884; *ratifications exchanged at Washington April* 24, 1885; *proclaimed April* 24, 1885.

The President of the United States of America and His Majesty the King of Italy, being convinced of the necessity of adding some stipulations to the extradition convention concluded between the United States and Italy on the 23d of March, 1868, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a supplementary convention for this purpose, and have appointed as their Plenipotentiaries, to-wit: The President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States; Negotiators.

And His Majesty the King of Italy, Baron Saverio Fava, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after reciprocal communication of their full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

The following paragraph is added to the list of crimes on account of which extradition may be granted, as provided in Article II. of the aforesaid convention of March 23, 1868:

Kidnapping.

9. Kidnapping of minors or adults, that is to say, the detention of one or more persons for the purpose of extorting money from them or their families, or for any other unlawful purpose.

ARTICLE II.

The following clause shall be inserted after Article V. of the aforesaid Convention of March 23, 1868:

Warrant of arrest, when and by whom to issue.

Any competent judicial magistrate of either of the two countries shall be authorized after the exhibition of a certificate signed by the Minister of Foreign Affairs [of Italy] or the Secretary of State [of the United States] attesting that a requisition has been made by the Government of the other country to secure the preliminary arrest of a person condemned for or charged with having therein committed a crime for which, pursuant to this Convention, extradition may be granted, and on complaint duly made under oath by a person cognizant of the fact, or by a diplomatic or consular officer of the demanding Government, being duly authorized by the latter, and attesting that the aforesaid crime was thus perpetrated, to issue a warrant for the arrest of the person thus inculpated, to the end that he or she may be brought before the said magistrate, so that the evidence of his or her criminality may be heard and considered; and the person thus accused and imprisoned shall from time to time be remanded to prison until a formal demand for his or her extradition shall be made and supported by evidence as above provided; if, however, the requisition, together with the documents above provided for, shall not be made, as required, by the diplomatic representative of the demanding Government, or, in his absence, by a consular officer thereof, within forty days from the date of the arrest of the accused, the prisoner shall be set at liberty.

ARTICLE III.

This convention to form part of that of March 23, 1868.

These supplementary articles shall be considered as an integral part of the aforesaid original extradition convention of March 23, 1868, and together with the additional article of January. 21, 1869, as having the same value and force as the Convention itself, and as destined to continue and terminate in the same manner.

Ratifications.

The present Convention shall be ratified, and the ratifications exchanged at Washington as speedily as possible, and it shall take effect immediately after the said exchange of ratifications.

In testimony whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at Washington, this eleventh day of the month of June in the the year of our Lord one thousand eight hundred and eighty-four.

[SEAL.] FREDK. T. FRELINGHUYSEN.
[SEAL.] FAVA.

JAPAN.

1854.*

TREATY OF PEACE, AMITY, AND COMMERCE.

Concluded March 31, 1854; *ratifications exchanged at Simoda February* 21, 1855; *proclaimed June* 22, 1855.

The United States of America and the Empire of Japan, desiring to establish firm, lasting, and sincere friendship between the two nations, have resolved to fix, in a manner clear and positive, by means of a treaty or general convention of peace and amity, the rules which shall in future be mutually observed in the intercourse of their respective countries; for which most desirable object the President of the United States has conferred full powers on his Commissioner, Matthew Calbraith Perry, Special Ambassador of the United States to Japan, and the August Sovereign of Japan has given similar full powers to his Commissioners, Hayashi, Daigaku-no-kami; Ido, Prince of Tsus-Sima; Izawa, Prince of Mima-saki; and Udono, Member of the Board of Revenue. And the said Commissioners, after having exchanged their said full powers, and duly considered the premises, have agreed to the following articles: Negotiators.

ARTICLE I.

There shall be a perfect, permanent, and universal peace and a sincere and cordial amity between the United States of America on the one part, and the Empire of Japan on the other part, and between their people respectively, without exception of persons or places. Peace and amity.

ARTICLE II.

The port of Simoda, in the principality of Idzu, and the port of Hakodade, in the principality of Matsmai, are granted by the Japanese as ports for the reception of American ships, where they can be supplied with wood, water, provisions, and coal, and other articles their necessities may require, as far as the Japanese have them. The time for opening the first-named port is immediately on signing this treaty; the last-named port is to be opened immediately after the same day in the ensuing Japanese year. Simoda and Hakodade open ports.

NOTE.—A tariff of prices shall be given by the Japanese officers of the things which they can furnish, payment for which shall be made in gold and silver coin.

* See Notes: "Abrogated, suspended, or obsolete treaties."

ARTICLE III.

Shipwrecks.

Whenever ships of the United States are thrown or wrecked on the coast of Japan, the Japanese vessels will assist them, and carry their crews to Simoda, or Hakodade, and hand them over to their countrymen, appointed to receive them; whatever articles the shipwrecked men may have preserved shall likewise be restored, and the expenses incurred in the rescue and support of Americans and Japanese who may thus be thrown upon the shores of either nation are not to be refunded.

ARTICLE IV.

Those shipwrecked persons and other citizens of the United States shall be free as in other countries, and not subjected to confinement, but shall be amenable to just laws.

ARTICLE V.

Shipwrecked men and other citizens of the United States, temporarily living at Simoda and Hakodade, shall not be subject to such restrictions and confinement as the Dutch and Chinese are at Nagasaki, but shall be free at Simoda to go where they please within the limits of seven Japanese miles (or ri) from a small island in the harbor of Simoda, marked on the accompanying chart hereto appended; and in shall like manner be free to go where they please at Hakodade, within limits to be defined after the visit of the United States squadron to that place.

ARTICLE VI.

Deliberation to settle certain matters.

If there be any other sort of goods wanted, or any business which shall require to be arranged, there shall be careful deliberation between the parties in order to settle such matters.

ARTICLE VII.

Trade.

It is agreed that ships of the United States resorting to the ports open to them shall be permitted to exchange gold and silver coin and articles of goods for other articles of goods, under such regulations as shall be temporarily established by the Japanese Government for that purpose. It is stipulated, however, that the ships of the United States shall be permitted to carry away whatever articles they are unwilling to exchange.

ARTICLE VIII.

Wood, water, provisions, coal, and goods required, shall only be procured through the agency of Japanese officers appointed for that purpose, and in no other manner.

ARTICLE IX.

It is agreed that if at any future day the Government of Japan shall grant to any other nation or nations privileges and advantages which are not herein granted to the United States and the citizens thereof,

that these same privileges and advantages shall be granted likewise to the United States and to the citizens thereof, without any consultation or delay.

ARTICLE X.

Ships of the United States shall be permitted to resort to no other ports in Japan but Simoda and Hakodade, unless in distress or forced by stress of weather. Open ports.

ARTICLE XI.

There shall be appointed, by the Government of the United States, Consuls or Agents to reside in Simoda, at any time after the expiration of eighteen months from the date of the signing of this treaty; provided that either of the two Governments deem such arrangement necessary. Liberty to appoint consuls.

ARTICLE XII.

The present convention having been concluded and duly signed, shall be obligatory and faithfully observed by the United States of America and Japan, and by the citizens and subjects of each respective Power; and it is to be ratified and approved by the President of the United States, by and with the advice and consent of the Senate thereof, and by the August Sovereign of Japan, and the ratification shall be exchanged within eighteen months from the date of the signature thereof, or sooner if practicable. Ratifications.

In faith whereof we, the respective Plenipotentiaries of the United States of America and the Empire of Japan aforesaid, have signed and sealed these presents.

Done at Kanagawa, this thirty-first day of March, in the year of our Lord Jesus Christ one thousand eight hundred and fifty-four, and of Kayei the seventh year, third month, and third day.

M. C. PERRY.

1857.*

TREATY REGULATING INTERCOURSE OF AMERICAN CITIZENS WITH JAPAN, AND THE VALUE OF COINS THEREIN, AND GIVING THE AMERICAN CONSUL JURISDICTION AND PRIVILEGES IN CERTAIN CASES.

Concluded June 17, 1857; *ratification advised by the Senate June* 15, 1858; *proclaimed June* 30, 1858.

For the purpose of further regulating the intercourse of American citizens within the Empire of Japan, and after due deliberation, His Excellency Townsend Harris, Consul General of the United States of America for the Empire of Japan, and their Excellencies Inowouye, Prince of Sinano, and Nakamoera, Prince of Dewa, Negotiators.

* See Notes: "Abrogated, suspended, or obsolete treaties."

Governors of Simoda, all having full powers from their respective Governments, have agreed on the following articles, to wit:

ARTICLE I.

Port of Nangasaki to be open to American vessels.

The port of Nangasaki, in the principality of Hizen, shall be open to American vessels, where they may repair damages, procure water, fuel, provisions, and other necessary articles, even coals, where they are obtainable.

ARTICLE II.

American citizens may reside at Simoda and Hakodade.

It being known that American ships coming to the ports of Simoda and Hakodade cannot have their wants supplied by the Japanese, it is agreed that American citizens may permanently reside at Simoda and Hakodade, and the Government of the United States may appoint a Vice-Consul to reside at Hakodade.

This article to go into effect on the fourth day of July, eighteen hundred fifty-eight.

ARTICLE III.

American and Japanese coin.

In settlement of accounts the value of the money brought by the Americans shall be ascertained by weighing it with Japanese coin (gold and silver itsebues,) that is, gold with gold, and silver with silver, or weights representing Japanese coin may be used, after such weights have been carefully examined and found to be correct.

The value of the money of the Americans having been thus ascertained, the sum of six per cent. shall be allowed to the Japanese for the expense of recoinage.

ARTICLE IV.

Offences.

Americans committing offences in Japan shall be tried by the American Consul General or Consul, and shall be punished according to American laws.

Japanese committing offences against Americans shall be tried by the Japanese authorities, and punished according to Japanese laws.

ARTICLE V.

Medium of exchange.

American ships which may resort to the ports of Simoda, Hakodade, or Nangasaki, for the purpose of obtaining necessary supplies, or to repair damages, shall pay for them in gold or silver coin; and if they have no money, goods shall be taken in exchange.

ARTICLE VI.

Rights of Consul General.

The Government of Japan admits the right of His Excellency the Consul General of the United States to go beyond the limits of Seven Ri, but has asked him to delay the use of that right, except in cases of emergency, shipwreck, &c., to which he has assented.

ARTICLE VII.

Purchases for His Excellency the Consul General, or his family, may be made by him only, or by some member of his family, and payment made to the seller for the same, without the intervention of any Japanese official; and for this purpose Japanese silver and copper coin shall be supplied to His Excellency the Consul General. Purchases for Consul General.

ARTICLE VIII.

As His Excellency the Consul General of the United States of America has no knowledge of the Japanese language, nor their Excellencies the Governors of Simoda a knowledge of the English language, it is agreed that the true meaning shall be found in the Dutch version of the articles. Dutch version.

ARTICLE IX.

All the foregoing articles shall go into effect from the date hereof, except article two, which shall go into effect on the date indicated in it.

Done in quintuplicate, (each copy being in English, Japanese, and Dutch,) at the Goyosso of Simoda, on the seventeenth day of June, in the year of the Christian era eighteen hundred fifty-seven, and of the Independence of the United States of America the eighty-first, corresponding to the fourth Japanese year of Ansei, Mi, the fifth month, the twenty-sixth day, the English version being signed by His Excellency the Consul General of the United States of America, and the Japanese version by their Excellencies the Governors of Simoda.

[SEAL.] TOWNSEND HARRIS.

1858.*

TREATY OF AMITY AND COMMERCE.

Concluded July 29, 1858; *ratifications exchanged at Washington May* 22, 1860; *proclaimed May* 23, 1860.

The President of the United States of America and His Majesty the Ty-coon of Japan, desiring to establish on firm and lasting foundations the relations of peace and friendship now happily existing between the two countries, and to secure the best interest of their respective citizens and subjects by encouraging, facilitating, and regulating their industry and trade, have resolved to conclude a treaty of amity and commerce for this purpose, and have therefore named as their plenipotentiaries, that is to say:

The President of the United States, His Excellency Townsend Harris, Consul General of the United States of America for the Empire of Japan, and His Majesty the Ty-coon of Japan, their Excellencies Inoooye, Prince of Sinano, and Iwasay, Prince of Hego: Negotiators.

Who, after having communicated to each other their respective full

*Amended by the Convention of June 25, 1866.

powers, and found them to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Peace and amity.

There shall henceforward be perpetual peace and friendship between the United States of America and His Majesty the Ty-coon of Japan and his successors.

Diplomatic agents.

The President of the United States may appoint a Diplomatic Agent to reside at the city of Yedo, and Consuls or Consular Agents to reside at any or all of the ports in Japan which are opened for American commerce by this treaty. The Diplomatic Agent and Consul General of the United States shall have the right to travel freely in any part of the Empire of Japan from the time they enter on the discharge of their official duties.

The Government of Japan may appoint a Diplomatic Agent to reside at Washington, and Consuls or Consular Agents for any or all of the ports of the United States. The Diplomatic Agent and Consul General of Japan may travel freely in any part of the United States from the time they arrive in the country.

ARTICLE II.

Mediator.

The President of the United States, at the request of the Japanese Government, will act as a friendly mediator in such matters of difference as may arise between the Government of Japan and any European power.

Ships of war of United States may aid Japanese vessels.

The ships of war of the United States shall render friendly aid and assistance to such Japanese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American Consuls residing at ports visited by Japanese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

ARTICLE III.

Ports opened.

In addition to the ports of Simoda and Hakodade, the following ports and towns shall be opened on the dates respectively appended to them, that is to say: Kanagawa, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nagasaki, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nee-e-gata, on the (1st of January, 1860) first day of January, one thousand eight hundred and sixty; Hiogo, on the (1st of January, 1863) first day of January, one thousand eight hundred and sixty-three.

Regulations regarding residence of Americans in Japan.

If Nee-e-gata is found to be unsuitable as a harbour, another port on the west coast of Nipon shall be selected by the two Governments in lieu thereof. Six months after the opening of Kanagawa the port of Simoda shall be closed as a place of residence and trade for American citizens. In all the foregoing ports and towns American citizens may permanently reside; they shall have the right to lease ground, and purchase the buildings thereon, and may erect dwellings and warehouses. But no fortification or place of military strength shall be erected under pretence of building dwelling or warehouses; and to see that this article is observed, the Japanese authorities shall have the right to inspect, from time to time, any building

which are being erected, altered, or repaired. The place which the Americans shall occupy for their buildings, and the harbour regulations, shall be arranged by the American Consul and the authorities of each place; and if they cannot agree, the matter shall be referred to and settled by the American Diplomatic Agent and the Japanese Government.

No wall, fence, or gate shall be erected by the Japanese around the place of residence of the Americans, or anything done which may prevent a free egress and ingress to the same.

From the (1st of January, 1862) first day of January, one thousand eight hundred and sixty-two, Americans shall be allowed to reside in the city of Yedo; and from the (1st of January, 1863,) first day of January, one thousand eight hundred and sixty-three, in the city of Osaca, for the purposes of trade only. In each of these two cities a suitable place within which they may hire houses, and the distance they may go, shall be arranged by the American Diplomatic Agent and the Government of Japan. Americans may freely buy from Japanese and sell to them any articles that either may have for sale, without the intervention of any Japanese officers in such purchase or sale, or in making or receiving payment for the same; and all classes of Japanese may purchase, sell, keep, or use any articles sold to them by the Americans.

The Japanese Government will cause this clause to be made public in every part of the Empire as soon as the ratifications of this treaty shall be exchanged.

Munitions of war shall only be sold to the Japanese Government and foreigners.

No rice or wheat shall be exported from Japan as cargo, but all Americans resident in Japan, and ships, for their crews and passengers, shall be furnished with sufficient supplies of the same. The Japanese Government will sell, from time to time at public auction, any surplus quantity of copper that may be produced. Americans residing in Japan shall have the right to employ Japanese as servants or in any other capacity.

Article IV.

Duties shall be paid to the Government of Japan on all goods landed in the country, and on all articles of Japanese production that are exported as cargo, according to the tariff hereunto appended. Duties.

If the Japanese custom-house officers are dissatisfied with the value placed on any goods by the owner, they may place a value thereon, and offer to take the goods at that valuation. If the owner refuses to accept the offer, he shall pay duty on such valuation. If the offer be accepted by the owner, the purchase-money shall be paid to him without delay, and without any abatement or discount.

Supplies for the use of the United States navy may be landed at Kanagawa, Hakodade, and Nagasaki, and stored in warehouses, in the custody of an officer of the American Government, without the payment of any duty. But, if any such supplies are sold in Japan, the purchaser shall pay the proper duty to the Japanese authorities. Supplies for the United States Navy.

The importation of opium is prohibited, and any American vessel coming to Japan for the purposes of trade, having more than (3) three catties' (four pounds avoirdupois) weight of opium on board, such surplus quantity shall be seized and destroyed by the Japanese authorities. All goods imported into Japan, and which have Opium.

paid the duty fixed by this treaty, may be transported by the Japanese into any part of the Empire without the payment of any tax, excise, or transit duty whatever.

No higher duties shall be paid by Americans on goods imported into Japan than are fixed by this treaty, nor shall any higher duties be paid by Americans than are levied on the same description of goods if imported in Japanese vessels, or the vessels of any other nation.

ARTICLE V.*

Foreign coin.

All foreign coin shall be current in Japan and pass for its corresponding weight of Japanese coin of the same description. Americans and Japanese may freely use foreign or Japanese coin, in making payments to each other.

As some time will elapse before the Japanese will be acquainted with the value of foreign coin, the Japanese Government will, for the period of one year after the opening of each harbour, furnish the Americans with Japanese coin, in exchange for theirs, equal weights being given and no discount taken for recoinage. Coins of all description (with the exception of Japanese copper coin) may be exported from Japan, and foreign gold and silver uncoined.

ARTICLE VI.

Jurisdiction over offenses.

Americans committing offences against Japanese shall be tried in American consular courts, and when guilty shall be punished according to American law. Japanese committing offences against Americans shall be tried by the Japanese authorities and punished according to Japanese law. The consular courts shall be open to Japanese creditors, to enable them to recover their just claims against American citizens, and the Japanese courts shall in like manner be open to American citizens for the recovery of their just claims against Japanese.

Forfeitures and penalties under this treaty.

All claims for forfeitures or penalties for violations of this treaty, or of the articles regulating trade which are appended hereunto, shall be sued for in the consular courts, and all recoveries shall be delivered to the Japanese authorities.

Neither the American or Japanese Governments are to be held responsible for the payment of any debts contracted by their respective citizens or subjects.

ARTICLE VII.

Limits of opened harbors.

In the opened harbours of Japan, Americans shall be free to go where they please within the following limits:

At Kanagawa, the River Logo (which empties into the Bay of Yedo, between Kawasaki and Sinagawa), and (10) ten ri in any other direction.

At Hakodade, (10) ten ri in any direction.

At Hiogo, (10) ten ri in any direction, that of Kioto excepted, which city shall not be approached nearer than (10) ten ri. The crews of vessels resorting to Hiogo shall not cross the River Enagawa, which empties into the bay between Hiogo and Osaca. The distances shall be measured inland from the Goyoso, or town hall, of each of the foregoing harbours, the ri being equal to (4,275) four thousand two hundred and seventy-five yards, American measure.

* This article is amended by Article VI of the convention of June 25, 1866.

At Nagasaki, Americans may go into any part of the imperial domain in the vicinity. The boundaries of Nagasaki, or the place that may be substituted for it, shall be settled by the American Diplomatic Agent and the Government of Japan. Americans who have been convicted of felony, or twice convicted of misdemeanours, shall not go more than [1] one Japanese mile inland from the places of their respective residences; and all persons so convicted shall lose their right of permanent residence in Japan, and the Japanese authorities may require them to leave the country. Limitations of travel. Forfeiture of residence.

A reasonable time shall be allowed to all such persons to settle their affairs, and the American consular authority shall, after an examination into the circumstances of each case, determine the time to be allowed, but such time shall not in any case exceed one year, to be calculated from the time the person shall be free to attend to his affairs.

ARTICLE VIII.

Americans in Japan shall be allowed the free exercise of their religion, and for this purpose shall have the right to erect suitable places of worship. No injury shall be done to such buildings, nor any insult be offered to the religious worship of the Americans. American citizens shall not injure any Japanese temple or idol, or offer any insult or injury to Japanese religious ceremonies, or to the objects of their worship. Religious freedom.

The Americans and Japanese shall not do anything that may be calculated to excite religious animosity. The Government of Japan has already abolished the practice of trampling on religious emblems.

ARTICLE IX.

When requested by the American Consul, the Japanese authorities will cause the arrest of all deserters and fugitives from justice, preside in jail all persons held as prisoners by the Consul, and give to the Consul such assistance as may be required to enable him to enforce the observance of the laws by the Americans who are on land, and to maintain order among the shipping. For all such services, and for the support of prisoners kept in confinement, the Consul shall in all cases pay a just compensation. Deserters.

ARTICLE X.

The Japanese Government may purchase or construct, in the United States, ships of war, steamers, merchantships, whale-ships, cannon, munitions of war, and arms of all kinds, and any other things it may require. It shall have the right to engage, in the United States, scientific, naval, and military men, artisans of all kinds, and mariners to enter into its service. All purchases made for the Government of Japan may be exported from the United States, and all persons engaged for its service may freely depart from the United States: *Provided*, That no articles that are contraband of war shall be exported, nor any persons engaged to act in a naval or military capacity, while Japan shall be at war with any power in amity with the United States. Ships of war.

ARTICLE XI.

The articles for the regulation of trade, which are appended to this treaty, shall be considered as forming a part of the same, and shall be equally binding on both the contracting parties to this treaty, and on their citizens and subjects. Regulations appended.

ARTICLE XII.

Such of the provisions of the treaty made by Commodore Perry, and signed at Kanagawa, on the 31st of March, 1854, as conflict with the provisions of this treaty are hereby revoked; and as all the provisions of a convention executed by the Consul General of the United States and the Governors of Simoda, on the 17th of June, 1857, are incorporated in this treaty, that convention is also revoked.

Treaty of March 31, 1854.

The person charged with the diplomatic relations of the United States in Japan, in conjunction with such person or persons as may be appointed for that purpose by the Japanese Government, shall have power to make such rules and regulations as may be required to carry into full and complete effect the provisions of this treaty, and the provisions of the articles regulating trade appended thereunto.

ARTICLE XIII.

After the (4th of July, 1872) fourth day of July, one thousand eight hundred and seventy-two, upon the desire of either the American or Japanese Governments, and on one year's notice given by either party, this treaty, and such portions of the treaty of Kanagawa as remain unrevoked by this treaty, together with the regulations of trade hereunto annexed, or those that may be hereafter introduced, shall be subject to revision by commissioners appointed on both sides for this purpose, who will be empowered to decide on, and insert therein, such amendments as experience shall prove to be desirable.

Duration of treaty.

ARTICLE XIV.

This treaty shall go into effect on the (4th of July, 1859) fourth day of July, in the year of our Lord one thousand eight hundred and fifty-nine, on or before which day the ratifications of the same shall be exchanged at the city of Washington; but if, from any unforeseen cause, the ratifications cannot be exchanged by that time, the treaty shall still go into effect at the date above mentioned.

The act of ratification on the part of the United States shall be verified by the signature of the President of the United States, countersigned by the Secretary of State, and sealed with the seal of the United States.

Ratifications.

The act of ratification on the part of Japan shall be verified by the name and seal of His Majesty the Ty-coon, and by the seals and signatures of such of his high officers as he may direct.

This treaty is executed in quadruplicate, each copy being written in the English, Japanese, and Dutch languages, all the versions having the same meaning and intention, but the Dutch version shall be considered as being the original.

In witness whereof, the above-named Plenipotentiaries have hereunto set their hands and seals, at the city of Yedo, this twenty-ninth day of July, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Independence of the United States of America the eighty-third, corresponding to the Japanese era, the nineteenth day of the sixth month of the fifth year of Ansei Mma.

[SEAL.] TOWNSEND HARRIS.

*Regulations under which American trade is to be conducted in Japan.**

REGULATION FIRST.

Within (48) forty-eight hours (Sundays excepted) after the arrival of an American ship in a Japanese port, the captain or commander shall exhibit to the Japanese custom-house authorities the receipt of the American Consul, showing that he has deposited the ship's register and other papers, as required by the laws of the United States, at the American consulate, and he shall then make an entry of his ship, by giving a written paper, stating the name of the ship and the name of the port from which she comes, her tonnage, the name of her captain or commander, the names of her passengers, (if any,) and the number of her crew, which paper shall be certified by the captain or commander to be a true statement, and shall be signed by him. He shall at the same time deposit a written manifest of his cargo, setting forth the marks and numbers of the packages and their contents, as they are described in his bills of lading, with the names of the person or persons to whom they are consigned. A list of the stores of the ship shall be added to the manifest. The captain or commander shall certify the manifest to be a true account of all the cargo and stores on board the ship, and shall sign his name to the same. If any error is discovered in the manifest, it may be corrected within (24) twenty-four hours (Sundays excepted) without the payment of any fee; but for any alteration or post entry to the manifest made after that time a fee of (15) fifteen dollars shall be paid. All goods not entered on the manifest shall pay double duties on being landed. Any captain or commander that shall neglect to enter his vessel at the Japanese custom-house within the time prescribed by this regulation shall pay a penalty of (60) sixty dollars for each day that he shall so neglect to enter his ship. Regulations at custom-house.

REGULATION SECOND.

The Japanese Government shall have the right to place custom-house officers on board of any ship in their ports, (men-of-war excepted.) All custom-house officers shall be treated with civility, and such reasonable accommodation shall be allotted to them as the ship affords. No goods shall be unladen from any ship between the hours of sunset and sunrise, except by special permission of the custom-house authorities, and the hatches, and all other places of entrance into that part of the ship where the cargo is stowed, may be secured by Japanese officers, between the hours of sunset and sunrise, by affixing seals, locks, or other fastenings; and if any person shall, without due permission, open any entrance that has been so secured, or shall break or remove any seal, lock, or other fastening that has been affixed by the Japanese custom-house officers, every person so offending shall pay a fine of (60) sixty dollars for each offense. Any goods that shall be discharged or attempted to be discharged from any ship without having been duly entered at the Japanese custom-house, as hereinafter provided, shall be liable to seizure and confiscation. Unlading of goods.

Packages of goods made up with an attempt to defraud the revenue of Japan, by concealing therein articles of value which are not set forth in the invoice, shall be forfeited. Revenue frauds.

American ships that shall smuggle, or attempt to smuggle, goods in any of the non-opened harbours of Japan, all such goods shall be forfeited

* Amended by the convention of June 25, 1866.

to the Japanese Government, and the ships shall pay a fine of (1,000) one thousand dollars for each offence. Vessels needing repairs may land their cargo for that purpose without the payment of duty. All goods so landed shall remain in charge of the Japanese authorities, and all just charges for storage, labor, and supervision shall be paid thereon. But if any portion of such cargo be sold, the regular duties shall be paid on the portion so disposed of. Cargo may be transhipped to another vessel in the same harbour without the payment of duty; but all transhipments shall be made under the supervision of Japanese officers, and after satisfactory proof has been given to the custom-house authorites of the bona fide nature of the transaction, and also under a permit to be granted for that purpose by such authorities. The importation of opium being prohibited, if any person or persons shall smuggle, or attempt to smuggle, any opium, he or they shall pay a fine of (15) fifteen dollars for each catty of opium so smuggled or attempted to be smuggled; and if more than one person shall be engaged in the offence, they shall collectively be held responsible for the payment of the foregoing penalty.

REGULATION THIRD.

Goods to be landed.

The owner or consignee of any goods, who desires to land them, shall make an entry of the same at the Japanese custom-house. The entry shall be in writing, and shall set forth the name of the person making the entry, and the name of the ship in which the goods were imported, and the marks, numbers, packages, and the contents thereof, with the value of each package extended separately in one amount, and at the bottom of the entry shall be placed the aggregate value of all the goods contained in the entry. On each entry the owner or consignee shall certify, in writing, that the entry then presented exhibits the actual cost of the goods, and that nothing has been concealed whereby the customs of Japan would be defrauded; and the owner or consignee shall sign his name to such certificate.

The original invoice or invoices of the goods so entered shall be presented to the custom-house authorities, and shall remain in their possession until they have examined the goods contained in the entry.

The Japanese officers may examine any or all the packages so entered, and for this purpose may take them to the custom-house, but such examination shall be without expense to the importer or injury to the goods; and after examination the Japanese shall restore the goods to their original condition in the packages, (so far as may be practicable,) and such examination shall be made without any unreasonable delay.

If any owner or importer discovers that his goods have been damaged on the voyage of importation, before such goods have been delivered to him, he may notify the custom-house authorities of such damage; and he may have the damaged goods appraised by two or more competent and disinterested persons, who, after due examination, shall make a certificate setting forth the amount per cent. of damage on each separate package, describing it by its mark and number, which certificates shall be signed by the appraisers, in presence of the custom-house authorities, and the importer may attach the certificate to his entry, and make a corresponding deduction from it. But this shall not prevent the custom-house authorities from appraising the goods in the manner provided in article fourth of the treaty, to which these regulations are appended.

After the duties have been paid, the owner shall receive a permit

authorizing the delivery to him of the goods, whether the same are at the custom-house or on ship-board. All goods intended to be exported shall be entered at the Japanese custom-house before they are placed on ship-board. The entry shall be in writing, and shall state the name of the ship by which the goods are to be exported, with the marks and numbers of the packages, and the quantity, description, and value of their contents. The exporter shall certify, in writing, that the entry is a true account of all the goods contained therein, and shall sign his name thereto. Any goods that are put on board of a ship for exportation before they have been entered at the custom-house, and all packages which contain prohibited articles, shall be forfeited to the Japanese Government.

No entry at the custom-house shall be required for supplies for the use of ships, their crews, and passengers, nor for the clothing, etc., of passengers.

REGULATION FOURTH.

Ships wishing to clear shall give (24) twenty-four hours' notice at the custom-house, and at the end of that time they shall be entitled to their clearance; but, if it be refused, the custom-house authorities shall immediately inform the captain or consignee of the ship of the reasons why the clearance is refused, and they shall also give the same notice to the American Consul. Clearance.

Ships of war of the United States shall not be required to enter or clear at the custom-house, nor shall they be visited by Japanese custom-house or police-officers. Steamers carrying the mails of the United States may enter and clear on the same day, and they shall not be required to make a manifest, except for such passengers and goods as are to be landed in Japan. But such steamers shall in all cases enter and clear at the custom-house.

Whale-ships touching for supplies, or ships in distress, shall not be required to make a manifest of their cargo; but if they subsequently wish to trade, they shall then deposit a manifest, as required in regulation first.

The word ship, whenever it occurs in these regulations, or in the treaty to which they are attached, is to be held as meaning ship, barque, brig, schooner, sloop, or steamer.

REGULATION FIFTH.

Any person signing a false declaration or certificate, with the intent to defraud the revenue of Japan, shall pay a fine of (125) one hundred and twenty-five dollars for each offence. Revenue frauds.

REGULATION SIXTH.*

No tonnage duties shall be levied on American ships in the ports of Japan, but the following fees shall be paid to the Japanese custom-house authorities: For the entry of a ship, (15) fifteen dollars; for the clearance of a ship, (7) seven dollars; for each permit, (1½) one dollar and a half; for each bill of health, (1½) one dollar and a half; for any other document, (1½) one dollar and a half. Tonnage duties. Fees.

*This regulation is amended by Article III of the convention of June 25, 1866.

REGULATION SEVENTH.

Duties shall be paid to the Japanese Government on all goods landed in the country, according to the following tariff:

Class one.—All articles in this class shall be free of duty.

Gold and silver, coined or uncoined.

Wearing apparel in actual use.

Household furniture and printed books not intended for sale, but the property of persons who come to reside in Japan.

Class two.—A duty of (5) five per cent. shall be paid on the following articles:

All articles used for the purpose of building, rigging, repairing, or fitting out of ships; whaling gear of all kinds; salted provisions of all kinds; bread and breadstuffs; living animals of all kinds; coals; timber for building houses; rice; paddy; steam machinery; zinc; lead; tin; raw silk.

Class three.—A duty of (35) thirty-five per cent. shall be paid on all intoxicating liquors, whether prepared by distillation, fermentation, or in any other manner.

Class four.—All goods not included in any of the preceding classes shall pay a duty of (20) twenty per cent.

All articles of Japanese production which are exported as cargo shall pay a duty of (5) five per cent., with the exception of gold and silver coin and copper in bars. (5) Five years after the opening of Kanagawa the import and export duties shall be subject to revision, if the Japanese Government desires it.

[SEAL.] TOWNSEND HARRIS.

1864.*

CONVENTION FOR REDUCTION OF IMPORT DUTIES.

Concluded, January 28, 1864; *ratification advised by the Senate February* 21, 1866; *proclaimed April* 9, 1866.

Negotiators.

For the purpose of encouraging and facilitating the commerce of the citizens of the United States in Japan, and after due deliberation, His Excellency Robert H. Pruyn, Minister Resident of the United States in Japan, and His Excellency Sibata Sadataro, Governor for Foreign Affairs, both having full powers from their respective Governments, have agreed on the following articles, viz:

ARTICLE I.

Articles duty free.

The following articles, used in the preparation and packing of teas, shall be free of duty:

Sheet lead, soder, matting, rattan, oil for painting, indigo, gipsum, firing pans, and baskets.

ARTICLE II.

Reduced duty.

The following articles shall be admitted at the reduced duty of five per cent.:

Machines and machinery; drugs and medicines. NOTE.—The prohibition of the importation of opium, according to the existing treaty, remains in full force. Iron, in pigs or bars; sheet iron and iron wire; tin plates, white sugar, in loaves or crushed; glass

* See Notes: "Abrogated, suspended, or obsolete treaties."

and glassware; clocks, watches, and watch chains; wines, malted and spirituous liquors.

ARTICLE III.

The citizens of the United States, importing or exporting goods, shall always pay the duty fixed thereon, whether such goods are intended for their own use or not.

ARTICLE IV.

This convention having been agreed upon a year ago, and its signature delayed through unavoidable circumstances, it is hereby agreed that the same shall go into effect, at Kanagawa, on the 8th of February next, corresponding to the first day of the first month of the fourth Japanese year of Bunkin Ne, and at Nagasaki and Hakodate on the 9th day of March next, corresponding to the first day of the second month of the fourth Japanese year of Bunkin Ne.

Done in quadruplicate; each copy being written in the English, Japanese, and Dutch languages; all the versions having the same meaning, but the Dutch version shall be considered as the original.

In witness whereof the above-named Plenipotentiaries have hereunto set their hands and seals, at the city of Yedo, the 28th day of January, of the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth, corresponding to the twentieth day of the twelfth month of the third year of Bunkin Ye of the Japanese era.

[SEAL.] ROBERT H. PRUYN.

1864.

CONVENTION FOR PAYMENT OF $3,000,000 TO THE GOVERNMENTS OF THE UNITED STATES, GREAT BRITAIN, FRANCE AND THE NETHERLANDS, AS INDEMNITIES AND EXPENSES.

Concluded October 22, 1864; *ratification advised by the Senate February* 21, 1866; *proclaimed April* 9, 1866.

Amount of damages.

The representatives of the United States of America, Great Britain, France, and the Netherlands, in view of the hostile acts of Mori Daizen, Prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the Straits of Simonoseki in order to destroy the batteries erected by that Daimio for the destruction of foreign vessels and the stoppage of trade; and the Government of the Tycoon, on whom devolved the duty of chastising this rebellious Prince, being held responsible for any damage resulting to the interests of the treaty Powers, as well as the expenses occasioned by the expedition:

The undersigned, representatives of treaty Powers, and Sakai Hida no Kami, a member of his second council, invested with plenipotentiary powers by the Tycoon of Japan, animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts, in June,

1863, against the flags of divers treaty Powers, and at the same time to regulate definitively the question of indemnities of war, of whatever kind, in respect to the allied expedition to Simonoseki, have agreed and determined upon the four articles following:

1. The amount payable to the four Powers is fixed at three millions of dollars. This sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

2. The whole sum to be payable quarterly, in instalments of one-sixth, or half a million dollars, to begin from the date when the representatives of said Powers shall make known to the Tycoon's Government the ratification of this convention and the instructions of their respective Governments.

Payment.

3. Inasmuch as the receipt of money has never been the object of the said Powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view, therefore, if His Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki, or some other eligible port in the inland sea, it shall be at the option of the said foreign Governments to accept the same, or insist on the payment of the indemnity in money, under the conditions above stipulated.

4. This convention to be formally ratified by the Tycoon's Government within fifteen days from the date thereof.

In token of which the respective Plenipotentiaries have signed and sealed this convention, in quintuplicate, with English, Dutch, and Japanese versions, whereof the English shall be considered the original.

Done at Yokohama, this 22d day of October, 1864, corresponding to the 22d day of the 9th month of the first year of Gengi.

ROBERT H. PEUYN,
Minister Resident of the United States in Japan.
RUTHERFORD ALCOCK,
H. B. M.'s Envoy Extraordinary and Minister Plenipotentiary in Japan.
LEON ROCHES,
Ministre Plénip're de S. M. L'Empereur des Français au Japon.
D. DE GRAEFF VAN POLSBROEK,
H. N. M.'s Consul General and Political Agent in Japan.
(Signature of Sakai Hida no Kami.)

1866.

CONVENTION ESTABLISHING A TARIFF OF DUTIES BETWEEN THE UNITED STATES, GREAT BRITAIN, FRANCE, THE NETHERLANDS, AND JAPAN.

Concluded June 25, 1866*; ratification advised by the Senate June* 17, 1868.

The Representatives of the United States of America, Great Britain, France, and Holland, having received from their respective Governments identical instructions for the modification of the Tariff of Import and Export Duties, contained in the Trade Regulations, annexed to the treaties concluded by the aforesaid Powers with the Japanese Government in

1858, which modification is provided for by the VIIth of those Regulations:—

And the Japanese Government having given the said Representatives, during their visit to Osaka, in November 1865, a written engagement to proceed immediately to the Revision of the Tariff in question on the general basis of a duty of five per cent on the value of all articles imported or exported:—

And the Government of Japan being desirous of affording a fresh proof of their wish to promote trade and to cement the friendly relations which exist between their country and foreign nations:—

His Excellency Midzuno Idzumi no Kami, a Member of the Gorojiu and a Minister of Foreign Affairs, has been furnished by the Government of Japan with the necessary powers to conclude with the Representatives of the above-named four powers; that is to say; Negotiators.

Of the United States of America:—A. L. C. Portman, Esq., Chargé d'Affaires ad interim;

Of Great Britain:—Sir Harry S. Parkes, Knight Commander of the Most Honorable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Japan;

Of France:—Monsieur Leon Roches, Commander of the Imperial Order of the Legion of Honor, Minister Plenipotentiary of His Majesty the Emperor of the French in Japan;

And of Holland:—Monsieur Dirk de Graeff van Polsbroek, Knight of the Order af the Netherlands Lion, Political Agent and Consul-General of His Majesty the King of the Netherlands:—

The following Convention comprising Twelve Articles.

Article I.

The contracting parties declare in the names of their respective Governments that they accept, and they hereby do formally accept as binding on the citizens of their respective countries, and on the subjects of their respective sovereigns the Tariff hereby established and annexed to the present Convention. Tariff of exports and imports annexed to be binding.

This Tariff is substituted not only for the original Tariff attached to the Treaties concluded with the abovenamed four powers but also for the special conventions and arrangements relative to the same Tariff, which have been entered into at different dates up to this time between the Governments of the United States, Great Britain and France on one side, and the Japanese government on the other. This tariff to be substituted for previous ones.

The new Tariff shall come into effect in the port of Kanagawa (Yokohama) on the first day of July next, and in the ports of Nagasaki and Hakodate on the first day of the following month. When tariff is to take effect.

Article II.

The tariff, attached to this convention, being incorporated from the date of its signature in the Treaties concluded between Japan and the above-named four powers, is subject to revision on the first day of July, 1872. Tariff subject to revision on July 1, 1872.

Two years, however, after the signing of the present convention, any of the contracting parties, on giving six months notice to the others, may claim a re-adjustment of the duties on tea and silk on the basis of 5 per cent on the average value of those articles during the three years last preceding. Re-adjustment of duties on tea and silk.

Change in rate of duty on timber may be made after six months.

On the demand also of any of the contracting parties, the duty on timber may be changed from ad valorem to a specific rate six months after the signature of this convention.

ARTICLE III.

Permit fees abolished.

The permit fee, hitherto levied under the VIth Regulation attached to the above named Treaties, is hereby abolished.

Permits.

Permits for the landing or shipment of cargo will be required as formerly, but will hereafter be issued free of charge.

ARTICLE IV.

Warehousing by Japan of imported goods.

On and from the first day of July next, at the port of Kanagawa (Yokohama), and on and from the 1st day of October next at the ports of Nagasaki and Hakodate, the Japanese government will be prepared to warehouse imported goods, on the application of the importer or owner without payment of duty.

Safe custody of warehoused goods by Japan.

The Japanese government will be responsible for the safe custody of the goods so long as they remain in their charge, and will adopt all the precautions necessary to render them insurable against fire.

Goods imported for re-exportation not subject to import duties.

When the importer or the owner wishes to remove the goods from the warehouse, he must pay the duties fixed by the Tariff, but if he should wish to re-export them, he may do so without payment of duty. Storage charges will in either case be paid on delivery of the goods. The amount of these charges together with the regulations necessary for the management of the said warehouses, will be established by the common consent of the contracting parties.

Warehouse dues to be collected by Japan.

ARTICLE V.

No transit duty.

All articles of Japanese production may be conveyed from any place in Japan to any of the ports open to foreign trade, free of any tax or transit duty other than the usual tolls levied equally on all traffic, for the maintenance of roads or navigation.

ARTICLE VI.

In conformity with those articles of the treaties concluded between Japan and Foreign Powers, which stipulated for the circulation of foreign coin at its corresponding weight in native coin of the same description, dollars have hitherto been received at the Japanese custom house in payment of duties at their weight in boos, (commonly called itchiboos) that is to say, at a rate of Three hundred and eleven boos per Hundred Dollars. The Japanese government, being however desirous to alter this practice and to abstain from all interference in the exchange of native for foreign coin, and being also anxious to meet the wants, both of native and foreign commerce by securing an adequate issue of native coin, have already determined to enlarge the Japanese mint so as to admit of the Japanese government exchanging into native coin of the same intrinsic value, less only the cost of coinage at the places named for this purpose, all foreign coin or bullion in gold

Exchange of currency.

or silver that may at any time be tendered to them by foreigners or Japanese.

It being essential however to the execution of this measure, that the various Powers with whom Japan has concluded Treaties should first consent to modify the stipulations in those Treaties which relate to the currency, the Japanese government will at once propose to those Powers the adoption of the necessary modification in the said stipulations, and on receiving their concurrence, will be prepared from the first of January 1868 to carry the above measure into effect.

Currency. Existing treaties relative to, to be modified.

The rates to be charged as the cost of coinage shall be determined hereafter, by the common consent of the contracting parties.

ARTICLE VII.

In order to put a stop to certain abuses and inconveniences complained of at the open ports, relative to the transaction of business at the Custom-House, the landing and shipping of cargoes, and the hiring of boats, coolies, servants &c., the contracting parties have agreed that the governor at each open port shall at once enter into negotiations with the foreign consuls with a view to the establishment, by mutual consent, of such regulations as shall effectually put an end to those abuses and inconveniences and afford all possible facility and security both to the operations of trade and to the transactions of individuals.

Abuses at open ports. Correction of.

Trade, protection of.

It is hereby stipulated that, in order to protect merchandise from exposure to weather, these regulations shall include the covering in at each port of one or more of the landing places used by foreigners for landing or shipping cargo.

One or more landing places at each port to be covered in.

ARTICLE VIII.

Any Japanese subject shall be free to purchase, either in the open ports of Japan or abroad, every description of sailing or steam vessel intended to carry either passengers or cargo; but ships of war may only be obtained under the authorization of the Japanese government.

Vessels. Right of Japanese to purchase them at open ports or in foreign countries.

All foreign vessels purchased by Japanese subjects shall be registered as Japanese vessels, on payment of a fixed duty of three boos per ton for steamers, and one boo per ton for sailing vessels.

Registration of vessels purchased by Japanese.

The tonnage of each vessel shall be proved by the foreign register of the ship, which shall be exhibited through the Consul of the party interested, on the demand of the Japanese authorities, and shall be certified by the Consul as authentic.

Tonnage of vessels, how proved.

ARTICLE IX.

In conformity with the Treaties concluded between Japan and the aforesaid Powers and with the special arrangements made by the envoys of the Japanese Government, in their note to the British Government of the 6th of June 1862, and in their note to the French Government, of the sixth of October of the same year, all the restrictions on trade and intercourse between foreigners and Japanese alluded to in the said notes, have been entirely removed, and proclamations to this effect have already been published by the Government of Japan.

Trade and intercourse between foreigners and Japanese. Certain restrictions on, removed.

The latter, however, do not hesitate to declare that Japanese merchants and traders of all classes are at liberty to trade directly, and without the interference of Government officers, with foreign merchants not only at the open Ports of Japan, but also in all foreign countries, on being authorized to leave their country in the manner provided for in Article X of the present Convention, without being subject to higher taxation by the Japanese Government than that levied on the native trading classes of Japan in their ordinary transactions with each other.

Right of Japanese merchants to trade with foreigners.

Right of Daimios to trade with foreigners.

And they further declare that all Daimios, or persons in the employ of Daimios are free to visit, on the same condition, any foreign country as well as all the open ports of Japan, and to trade there with foreigners as they please without the interference of any Japanese officer, provided always they submit to the existing police regulations and to the payment of the established duties.

Article X.

Imports and exports may be made by Japanese in either their own or foreign vessels.

All Japanese subjects may ship goods to or from any open port in Japan, or to and from the ports of any foreign power, either in vessels owned by Japanese, or in the vessels of any nation having a treaty with Japan.

Right of Japanese to emigrate when provided with a passport.

Furthermore, on being provided with passports through the proper department of the Government, in the manner specified in the proclamation of the Japanese Government, dated the twenty-third day of May 1866, all Japanese subjects may travel to any foreign country for purposes of study or trade.

Japanese may accept employment on board foreign vessels.

They may also accept employment in any capacity on board the vessels of any nation having a Treaty with Japan.

May obtain passports to go abroad.

Japanese in the employ of foreigners may obtain Government passports to go abroad on application to the Government of any open port.

Article XI.

Lights, buoys, and beacons to be provided by Japan.

The Government of Japan will provide all the ports open to foreign trade with such lights, buoys and beacons as may be necessary to render secure the navigation of the approaches to the said Ports.

Article XII.

The undersigned being of opinion that it is unnecessary that this Convention should be submitted to their respective Governments for ratification before it comes into operation, it will take effect on and from the 1st day of July, one thousand eight hundred and sixty six.

Ratifications.

Each of the Contracting Parties having obtained the approval of his government to this convention shall make known the same to the others, and the communication in writing of this approval shall take the place of a formal exchange of Ratifications.

In witness whereof the above-named Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at Yeddo, in the English, French, Dutch and Japanese languages this twenty fifth day of June, one thousand eight hundred and sixty six.

[SEAL.] A. L. C. PORTMAN,
Chargé d'Affaires a. i. of the United States in Japan.

[SEAL.] HARRY S. PARKES,
Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Japan.

[SEAL.] LEON ROCHES,
Ministre Plenipotentiaire de S. M. l'Empereur des Français au Japan.

[SEAL.] D. DE GRAEFF VAN POLSBROEK,
Politick Agent en Consul-Generaal der Nederlanden in Japan.

[SEAL.] MIDZUNO IDZUMI NO KAMI.

Import tariff.

CLASS I.—SPECIFIC DUTIES.

Number.	Article.	Duty. Per—	Boos.	Cents.
1	Alum	100 catties	0	15
2	Betel-nut	do	0	45
3	Brass buttons	Gross	0	22
4	Candles	100 catties	2	25
5	Canvas and cotton duck	10 yards	0	25
6	Cigars	Catty	0	25
7	Cloves and mother cloves	100 catties	1	00
8	Cochineal	do	21	00
9	Cordage	do	1	25
10	Cotton, raw	do	1	25
	COTTON MANUFACTURES.			
11	Shirtings, grey, white and twilled, white spotted or figured, drills and jeans, white brocades, T-cloths, cambrics, muslins, lawns, dimities, quiltings, cottonets; all the above goods dyed. Printed cottons, chintzes, and furniture:			
	(A.) Not exceeding 34 inches wide	10 yards	0	07½
	(B.) Not exceeding 40 inches wide	do	0	08¾
	(C.) Not exceeding 46 inches wide	do	0	10
	(D.) Exceeding 46 inches wide	do	0	11½
12	Taffachelass not exceeding 31 inches	do	0	17½
	exceeding 31 inches, not exceeding 43 inches	do	0	25
13	Fustians, as cotton velvets, velveteens, satins, satinets, and cotton damasks, not exceeding 40 inches	do	0	20
14	Ginghams, not exceeding 31 inches	do	0	06
	not exceeding 43 inches	do	0	09
15	Handkerchiefs	Dozen	0	05
16	Singlets and drawers	do	0	30
17	Table-cloths	Each	0	06
18	Cotton thread, plain or dyed in reel or ball	100 catties	7	50
19	Cotton yarn, plain or dyed	do	5	00
20	Cutch	do	0	75
21	Feathers, (kingfisher, peacock, &c)	100 pieces	1	50
22	Flints	100 catties	0	12
23	Gambier	do	0	45
24	Gamboge	do	3	75
25	Glass window	Box of 100 square feet	0	35
26	Glue	100 catties	0	60
27	Gum benjamin and oil of ditto	do	2	40
28	Gum, dragons blood, myrrh, olibanum	do	1	80
29	Gypsum	do	0	08
30	Hides, buffalo and cow	do	1	20
31	Horns, buffalo and deer	do	1	05
32	Horns, rhinoceros	do	3	50
33	Hoofs	do	0	30
34	Indigo, liquid	do	0	75
35	Indigo, dry	do	3	75
36	Ivory, elephants' teeth, all qualities	do	15	00
37	Paint, as red, white, and yellow lead, (minium, cerusse, and massicot,) and paint-oils	do	1	50

Import tariff—Continued.

Number.	Article.	Duty. Per—	Boos.	Cents.
38	Leather	100 catties	2	0
39	Linen of all qualities	10 yards	0	2
40	Mangrove bark	100 catties	0	1
41	Matting, floor	Roll of 40 yards	0	7
	METALS.			
42	Copper and brass in slabs, sheets, rods, nails	100 catties	3	5
43	Yellow metal, muntz metal, sheathing and nails	do	2	5
44	Iron, manufactured, as in rods, bars, nails, &c	do	0	3
45	Iron, manufactured, as in pigs	do	0	1
46	Iron, manufactured, as in kentledge	do	0	0
47	Iron, manufactured, as in wire	do	0	8
48	Lead, pigs	do	0	8
49	Lead, sheet	do	1	0
50	Spelter and zinc	do	0	6
51	Steel	do	0	6
52	Tin	do	3	0
53	Tin, plates	Box not exceeding 90 catties	0	7
54	Oil-cloth for flooring	10 yards	0	3
55	Oil or leather-cloth for furniture	do	0	1
56	Pepper, black and white	100 catties	1	0
57	Putchuk	do	2	2
58	Quicksilver	do	6	0
59	Quinine	Catty	1	5
60	Rattans	100 catties	0	4
61	Rhubarb	do	1	0
62	Salt fish	do	0	7
63	Sandal-wood	do	1	2
64	Sapan-wood	do	0	4
65	Sea-horse teeth	do	7	5
66	Narwhal or "unicorn" teeth	Catty	1	0
67	Sharks' skins	100 pcs	7	5
68	Snuff	Catty	0	3
69	Soap, bar	100 catties	0	5
70	Stick-lac	do	1	7
71	Sugar, brown and black	do	0	4
72	Sugar, white	do	0	7
73	Sugar, candy and loaf	do	1	0
74	Tobacco	do	1	8
75	Vermillion	do	9	0
	WOOLEN MANUFACTURES.			
76	Broad, habit, medium, and narrow cloth:			
	A, not exceeding 34 inches	10 yards	0	6
	B, not exceeding 55 inches	do	1	0
	C, exceeding 55 inches	do	1	2
77	Spanish stripes	do	0	7
78	Cassimeres, flannel, long-ells and serges	do	0	4
79	Bunting	do	0	1
80	Camlets, Dutch	do	0	7
81	Camlets, English	do	0	4
82	Lastings, crape-lastings, and worsted crapes, merinos, and all other woolen goods not classed under No. 76:			
	A, not exceeding 34 inches	do	0	3
	B, exceeding 34 inches	do	0	4
83	Woolen and cotton mixtures, as imitation camlets, imitation lastings, Orleans, (plain and figured.) lustres, (plain and figured,) alpacas, baratheas, damasks, Italian cloth, taffachelass, Russell cords, cassandras, woolen fancies, camlet cords, and all other cotton and woolen mixtures:			
	A, not exceeding 34 inches	do	0	3
	B, exceeding 34 inches	do	0	4
84	Blankets and horse-cloths	10 catties	0	5
85	Traveling-rugs, plaids, and shawls	Each	0	5
86	Figured woolen table-cloths	do	0	7
87	Woolen singlets and drawers	Dozen	1	0
88	Woolen and cotton singlets and drawers	do	0	6
89	Woollen yarn, plain and dyed	100 catties	10	0

Class II.—Duty-free goods.

All animals used for food or draught; anchors and chain cables; coal; clothing, (foreign,) not being of articles named in this tariff; gold and silver, coined and uncoined; grain, including rice, paddy, wheat, barley, oats, rye, peas, beans, millet, Indian-corn; flour and meal prepared from the above; oil cake; packing matting; printed books; salt; salted meats in casks; saltpetre; solder; tar and pitch; tea firing pans and baskets; tea lead; traveling baggage.

Class III.—Prohibited goods.

Opium.

Class IV.—Goods subject to an ad valorem duty of five per cent on original value.

Arms and munitions of war; articles de Paris; boots and shoes; clocks, watches, and musical boxes; coral; cutlery; drugs and medicines, such as ginseng, &c.; dyes; porcelain and earthen ware; furniture of all kinds, new and second hand; glass and crystal ware; gold and silver lace and thread; gums and spices not named in tariff; lamps; looking glasses; jewellery; machinery and manufactures in iron or steel, manufactures of all kinds in silk, silk and cotton, or silk and wool, as velvets, damasks, brocades, &c.; paintings and engravings; perfumery, scented soap; plated ware; skins and furs; telescopes and scientific instruments; timber; wines, malt and spirituous liquors; table stores of all kinds, and all other unenumerated goods.

Note.—According to the VIIIth article of the Convention of Yedo, a duty will be charged on the sale of foreign vessels to Japanese of three boos per ton for steamers and one boo per ton for sailing vessels.

Export tariff.

Class I.—SPECIFIC DUTIES.

Number.	Article.	Duty.		
		Per—	Boos.	Cents.
1	Awabé	100 catties	3	00
2	Awabé shells	do	0	08
3	Camphor	do	1	80
4	China root (Bukrio)	do	0	75
5	Cassia	do	0	30
6	Cassia buds	do	2	25
7	Coal	do	0	04
8	Cotton, raw	do	2	25
9	Coir	do	0	45
10	Fish, dried or salted, salmon and cod	do	0	75
11	Fish, cuttle	do	1	05
12	Gall nuts	do	0	90
13	Ghinang or ichio	do	0	45
14	Hemp	do	2	00
15	Honey	do	1	05
16	Horns, deer, old	do	0	90
17	Irico or Bêche de mer	do	3	00
18	Iron, Japanese	do	0	60
19	Isinglass	do	2	25
20	Lead	do	0	90
21	Mushrooms, all qualities	do	5	00
22	Oil, fish	do	0	30
23	Oil, seed	do	1	05

Export tariff—Continued.

CLASS I.—SPECIFIC DUTIES—Continued.

Number.	Article.	Duty.		
		Per—	Boos.	Cents.
24	Paper, writing	100 catties	3	00
25	Paper, inferior	do	1	00
26	Peas, beans, and pulse of all kinds	do	0	30
27	Peony bark (Botanpi)	do	3	75
28	Potatoes	do	0	15
29	Rags	do	0	12
30	Sake or Japanese wines or spirits	do	0	90
31	Seaweed, uncut	do	0	30
32	Seaweed, cut	do	0	60
33	Seeds, rape	do	0	45
34	Seeds, sesamum	do	0	90
35	Shark's fins	do	1	80
36	Shrimps and prawns, dried salt	do	1	80
	SILK.			
37	Raw and thrown	do	75	00
38	Tama or Dupioni	do	20	00
39	Noshi or skin	do	7	50
40	Floss	do	20	00
41	Cocoons, pierced	do	7	00
42	Cocoons, unpierced	do	12	00
43	Waste silk and waste cocoons	do	2	25
44	Silk worm's eggs	Sheet	0	07½
45	Soy	100 catties	0	45
46	Sulphur	do	0	30
47	Tea	do	3	50
48	Tea, quality known as "Bancha" (when exported from Nagasaki only)	do	0	75
49	Tobacco, leaf	do	0	75
50	Tobacco, cut or prepared	do	1	50
51	Vermicelli	do	0	45
52	Wax, vegetable	do	1	50
53	Wax, bees	do	2	50

CLASS II.—DUTY-FREE GOODS.

Gold and silver, coined; gold, silver, and copper, uncoined, of Japanese production, to be sold only by the Japanese government at public auction.

CLASS III.—PROHIBITED GOODS.

Rice, paddy, wheat, and barley. Flour made from the above. Saltpetre.

CLASS IV.—GOODS SUBJECT TO AN AD VALOREM DUTY OF FIVE PER CENT, TO BE CALCULATED ON THEIR MARKET VALUE.

Bamboo ware; copper utensils of all kinds; charcoal; ginsing and unenumerated drugs; horns, deer, young or soft; mats and matting; silk dresses, manufactures or embroideries; timber; and all other unenumerated goods.

RULES.

RULE I.

Unenumerated Imports, if mentioned in the Export list, shall not pay duty under that list, but shall be passed *ad valorem;* and the same shall apply to any unenumerated Exports that may be named in the Import list.

RULE II.

Foreigners resident in Japan, and the crews or passengers of foreign ships, shall be allowed to purchase such supplies of the grain or flour named in the list of Exports as they may require for their own consumption; but the usual shipping permit must be obtained from the Custom House before any of the aforesaid grain or flour can be shipped to a foreign vessel.

RULE III.

The Catty mentioned in this Tariff is equal to one pound and a third English avoirdupois weight. The yard is the English measure of three feet, the English foot being one-eighth of an inch larger than the Japanese kan ishaku. The Boo is a silver coin weighing not less than 134 grains Troy weight, and containing not less than nine parts of pure silver and not more than one part of alloy. The cent is the one-hundredth part of the Boo.

[SEAL.] A. L. C. PORTMAN,
Chargé d'Affaires a. i. of the United States in Japan.

[SEAL.] HARRY S. PARKES,
H. B. M.'s Envoy Extraordinary and Minister Plenipotentiary in Japan.

[SEAL.] LEON ROCHES,
Ministre Plénipotentiaire de S. M. L'Empereur des Français au Japan.

[SEAL.] D. DE GRAEFF VAN POLSBROEK,
H.N. M's Politick Agent en Consul Generaal der Nederlanden in Japan.

[SEAL.] MIDZUNO IDZUMI NO KAMI.

1878.

CONVENTION REVISING CERTAIN PORTIONS OF EXISTING COMMERCIAL TREATIES.

Concluded July 25, 1878; *ratifications exchanged at Washington April* 8, 1879; *proclaimed April* 8, 1879.

The President of the United States of America, and His Majesty the Emperor of Japan, both animated with the desire of maintaining the good relations which have so happily subsisted between their respective countries, and wishing to strengthen, if possible, the bond of friendship and to extend and consolidate commercial intercourse between the two

countries by means of an additional convention, have for that purpose named as their respective plenipotentiaries; that is to say;

Negotiators.

the President of the United States, William Maxwell Evarts, Secretary of State of the United States, and His Majesty the Emperor of Japan, Jushie Yoshida Kiyonari, of the Order of the Rising Sun, and of the Third Class, and His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Annulment and modification of certain previous treaties.

It is agreed by the high contracting parties that the Tariff Convention, signed at Yedo on the 25th day of June, 1866, or the 13th of the 5th month of the second year of Keio, by the respective representatives of the United States, Great Britain, France and Holland on the one hand, and Japan on the other, together with the schedules of tariff on imports and exports and the bonded warehouse regulations, both of which are attached to the said convention, shall hereby be annulled and become inoperative as between the United States and Japan under the condition expressed in Article X. of this present convention; and all such provisions of the treaty of 1858, or the fifth year of Ansei, signed at Yedo, as appertain to the regulations of harbors, customs and taxes, as well as the whole of the trade-regulations, which are attached to the said treaty of 1858, or the fifth year of Ansei, shall also cease to operate.

It is further understood and agreed that from the time when this present convention shall take effect, the United States will recognize the exclusive power and right of the Japanese government to adjust the customs tariff and taxes and to establish regulations appertaining to foreign commerce in the open ports of Japan.

ARTICLE II.

No discrimination in duties on imports and exports.

It is, however, further agreed that no other or higher duties shall be imposed on the importation into Japan of all articles of merchandise from the United States, than are or may be imposed upon the like articles of any other foreign country; and if the Japanese government should prohibit the exportation from, or importation into, its dominions of any particular article or articles, such prohibition shall not be discriminatory against the products, vessels or citizens of the United States.

ARTICLE III.

No export duties to be charged.

It is further agreed, that, as the United States charge no export duties on merchandise shipped to Japan, no export duties on merchandise shipped in the latter country for the United States shall be charged after this treaty shall go into effect.

ARTICLE IV.

Penalties for violating treaty.

It is further stipulated and agreed, that, so long as the first three sentences which are comprised in the first paragraph of article VI. of the treaty of 1858, or the fifth year of Ansei, shall be in force, all claims by the Japanese government for forfeitures or penalties for violations of such existing treaty, as well as for violations of

he customs, bonded-warehouse and harbor regulations, which may, un-
ıer this convention, from time to time, be established by that govern-
ıent, shall be sued for in the consular courts of the United States, whose
.uty it shall be to try each and every case fairly and render judgment
ı accordance with the provisions of such treaty and of such regulations;
nd the amount of all forfeitures and fines shall be delivered to the Jap-
nese authorities.

ARTICLE V.

It is understood and declared by the high contracting parties, that the
ight of controlling the coasting trade of Japan belongs Coasting trade.
olely, and shall be strictly reserved, to the government of
ıat Empire.

ARTICLE VI.

It is, however, agreed, that vessels of the United States arriving at
ay port of Japan open to foreign commerce, may unload,
ı conformity with the customs laws of that country, such Duties payable in Japanese ports on unlading vessels.
ortions of their cargoes as may be desired, and that they
ay depart with the remainder, without paying any duties, imposts or
ıarges whatsoever, except for that part which shall have been landed,
ıd which shall be so noted on the manifest. The said vessels may
ntinue their voyage to one or more other open ports of Japan, there
land the part or residue of their cargoes, desired to be landed at such
ort or ports. It is understood, however, that all duties,
posts, or charges whatsoever, which are or may become Port charges.
ıargeable upon the vessels themselves, are to be paid only at the first
ort where they shall break bulk or unload part of their cargo; and
.at at any subsequent port used in the same voyage only the local port
ıarges shall be exacted for the use of such port.

ARTICLE VII.

In view of the concessions made by the United States in regard to the
.stoms tariff, and the customs and other regulations of Japan to open additional ports.
ıpan, as above stipulated in Article I., the government of
ıpan will, on the principle of reciprocity, make the following conces-
ons, to wit: That two additional ports (whereof one shall be Shimo-
-seki, and the other shall be hereafter decided upon by the contract-
g parties jointly), from the date when the present convention may go
to effect, shall be open to citizens and vessels of the United States,
r the purposes of residence and trade.

ARTICLE VIII.

It is also agreed that, as the occasion for Article V. of the treaty of
58, or the fifth year of Ansei, between the two countries
considered to have passed away, that article shall, after Article V of treaty of 1858 to be abrogated.
e present treaty shall have gone into effect, be regarded
no longer binding.

ARTICLE IX.

It is further agreed, that such of the provisions of the treaties or con-
ntions heretofore concluded between the two countries
d not herein expressly abrogated, as conflict with any Conflicting provisions of former treaties.
ovisions of the present convention are hereby revoked
d annulled; that the present convention shall be considered to be and

form a part of the existing treaties between the two countries; that the revision of such portions of the said treaties as are not modified or revoked by the present convention, as also the revision of the present convention itself, may be demanded hereafter by either of the high contracting parties; and that this convention, as well as the previous treaties as modified thereby, shall continue in force until, upon such a revision of the whole, or any part thereof, it shall be otherwise provided.

Revision.

ARTICLE X.

The present convention shall take effect when Japan shall have concluded such conventions or revisions of existing treaties with all the other treaty powers holding relations with Japan as shall be similar in effect to the present convention, and such new conventions or revisions shall also go into effect.

Time of taking effect of convention.

The present convention shall be ratified and the ratifications shall be exchanged at Washington as soon as may be within fifteen months from the date hereof.

Ratifications.

In faith whereof the above named Plenipotentiaries have hereunto set their hands and seals, at the city of Washington, this twenty-fifth day of July, one thousand eight hundred and seventy-eight, or twenty-fifth day of the seventh month of the eleventh year of Meiji.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] YOSHIDA KIYONARI.

1880.

CONVENTION PROVIDING FOR THE REIMBURSEMENT OF SHIPWRECK EXPENSES.

Concluded May 17, 1880; *ratification exchanged at Washington June* 16, 1881; *proclaimed October* 3, 1881.

The United States of America and the Empire of Japan being desirous of concluding an agreement providing for the reimbursement of certain specified expenses which may be incurred by either country in consequence of the shipwreck on its coasts of the vessels of the other, have resolved to conclude a special convention for this purpose, and have named as their Plenipotentiaries:—

The President of the United States of America, John A. Bingham, their Envoy Extraordinary and Minister Plenipotentiary to His Imperial Majesty; and His Majesty the Emperor of Japan, Inouye Kaoru Shoshii, Minister for Foreign Affairs and decorated with the 1st class of the order of the Rising Sun, who after reciprocal communication of their full powers found in good and due form, have agreed as follows:—

Negotiators.

All expenses incurred by the Government of the United States for the rescue, clothing, maintenance, and travelling of needy shipwrecked Japanese subjects, for the recovery of the bodies of the drowned, for the medical treatment of the sick and injured, unable to pay for such treatment, and for the burial of the dead, shall be repaid to the Government of the United States by that of Japan. And a similar course of procedure to the above shall be observed by the

Reimbursement of expenditures in cases of shipwreck.

Government of the United States in the case of assistance being given by that of Japan to shipwrecked citizens of the United States.

But neither the Government of the United States, nor that of Japan shall be responsible for the repayment of the expenses incurred in the recovery or preservation of a wrecked vessel or the property on board. All such expenses shall be a charge upon the property saved, and shall be repaid by the parties interested therein upon receiving delivery of the same. Wrecked vesse and property to be charged with expense of recovery.

No charge shall be made by the Government of the United States nor by that of Japan for the expenses of the Government officers, police or local functionaries who shall proceed to the wreck, for the travelling expenses of officers escorting the shipwrecked men, nor for the expenses of official correspondence. Such expenses shall be borne by the Government of the country to which such officers, police, and local functionaries belong. Exceptions.

This convention shall be ratified by the respective Governments in due form of law, and the ratifications shall be exchanged at Washington as soon as may be. It shall take effect in the respective countries thirty days after the exchange of said ratifications. Ratifications.

In witness whereof the respective Plenipotentiaries have hereunto affixed their signatures and seals.

Done, in duplicate in the English and Japanese languages at the city of Tokio, Japan, this 17th day of May in the year 1880, (17th day of the 5th month of the 13th year Meiji).

[SEAL.] JOHN A. BINGHAM.
[SEAL.] INOUYE KAORU.

1886.

TREATY FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE.

Concluded April 29, 1886; *ratifications exchanged at Tokio September* 27, 1886; *proclaimed November* 3, 1886.

The President of the United States of America and his Majesty the Emperor of Japan having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter named and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, they have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:

The President of the United States of America, Richard B. Hubbard, their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty, and His Majesty the Emperor of Japan Count Inouye Kaoru, Jinsammi, His Imperial Majesty's Minister of State for Foreign Affairs, First Class of the Order of the Rising Sun &c. &c. &c. who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles: Negotiators.

ARTICLE I.

The High Contracting Parties engage to deliver up to each other, under the circumstances and conditions stated in the present Treaty,

all persons, who being accused or convicted of one of the crimes or offences named below in Article II, and committed within the jurisdiction of the one Party, shall be found within the jurisdiction of the other Party.

ARTICLE II.

1. Murder, and assault with intent to commit murder.
2. Counterfeiting or altering money, or uttering or bringing into circulation counterfeit or altered money; counterfeiting certificates or coupons of public indebtedness, bank notes, or other instruments of public credit of either of the parties, and the utterance or circulation of the same.

Crimes.

3. Forgery or altering, and uttering what is forged or altered.
4. Embezzlement or criminal malversation of the public funds, committed within the jurisdiction of either party, by public officers or depositaries.
5. Robbery.
6. Burglary, defined to be the breaking and entering by night time into the house of another person with the intent to commit a felony therein; and the act of breaking and entering the house of another, whether in the day or night-time, with the intent to commit a felony therein.
7. The act of entering, or of breaking and entering, the offices of the Government and public authorities, or the offices of banks, banking-houses, savings-banks, trust companies, insurance or other companies, with the intent to commit a felony therein.
8. Perjury, or the subornation of perjury.
9. Rape.
10. Arson.
11. Piracy by the law of nations.
12. Murder, assault with intent to kill, and manslaughter, committed on the high seas, on board a ship bearing the flag of the demanding country.
13. Malicious destruction of, or attempt to destroy, railways, trams, vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life.

ARTICLE III.

If the person demanded be held for trial in the country on which the demand is made, it shall be optional with the latter to grant extradition or to proceed with the trial: Provided that, unless the trial shall be for the crime for which the fugitive is claimed, the delay shall not prevent ultimate extradition.

Offenses committed in country of asylum.

ARTICLE IV.

If it be made to appear that extradition is sought with a view to try or punish the person demanded for an offense of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for any political offense committed previously to his extradition, or for any offense other than that in respect of which the extradition is granted.

Not to be extradited for political offences.

ARTICLE V.

The requisition for extradition shall be made through the diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, by superior consular officers. Requisitions for extradition: mode of procedure.

If the person whose extradition is requested shall have been convicted of a crime, a copy of the sentence of the court in which he was convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Japan, as the case may be, shall accompany the requisition. When the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country making the demand and of the depositions on which such warrant may have been issued, must accompany the requisition.

The fugitive shall be surrendered only on such evidence of criminality as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime had been there committed. Evidence.

ARTICLE VI.

On being informed by telegraph or other written communication through the diplomatic channel, that a lawful warrant has been issued by competent authority upon probable cause for the arrest of a fugitive criminal charged with any of the crimes enumerated in Article II of this Treaty, and, on being assured from the same source that a request for the surrender of such criminal is about to be made in accordance with the provisions of this Treaty, each Government will endeavor to procure so far as it lawfully may the provisional arrest of such criminal, and keep him in safe custody for a reasonable time, not exceeding two months, to await the production of the documents upon which the claim for extradition is founded. Arrest and detention of fugitive.

ARTICLE VII.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention, but they shall have the power to deliver them up if in their discretion it be deemed proper to do so. Neither nation to deliver its citizens.

ARTICLE VIII.

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the Government which has requested the extradition. Expenses.

ARTICLE IX.

The present Treaty shall come into force sixty days after the exchange of the ratifications thereof. It may be terminated by either of them, but shall remain in force for six months after notice has been given of its termination. Duration of treaty.

The treaty shall be ratified, and the ratifications shall be exchanged at Washington, as soon as possible. Ratifications.

In witness whereof the respective Plenipotentiaries have signed the present Treaty in duplicate and have thereunto affixed their seals.

Done at the city of Tokio, the Twenty-ninth day of April, in the eighteen hundred and eighty-sixth* year of the christian era, corresponding to the Twenty-ninth day of the Fourth month, of the nineteenth year of Meiji.

[SEAL.] RICHARD B. HUBBARD.
[SEAL.] INOUYE KAORU.

*In the protocol of exchange of the ratifications of this treaty, signed by the Plenipotentiaries at Tokio, September 27, 1886, it is declared that "the eighteen hundred and eighty-sixth year of the christian era," is intended to mean the year A. D. 1886. The protocol also declares that notwithstanding the treaty provided that the exchange of the ratifications should take place at Washington, the Two High Contracting Parties, in order to save time, agreed that the exchange should take place at Tokio instead.

LEW CHEW.

1854.

COMPACT OF FRIENDSHIP AND COMMERCE.

Concluded July 11, 1854; *ratification advised by the Senate March* 3, 1855; *proclaimed March* 9, 1855.

Hereafter, whenever citizens of the United States come to Lew Chew, they shall be treated with great courtesy and friendship. Whatever articles these people ask for, whether from the officers or people, which the country can furnish, shall be sold to them; nor shall the authorities interpose any prohibitory regulations to the people selling, and whatever either party may wish to buy shall be exchanged at reasonable prices. Trade allowed at Lew Chew.

Whenever ships of the United States shall come into any harbor in Lew Chew, they shall be supplied with wood and water at reasonable prices; but if they wish to get other articles, they shall be purchasable only at Napa.

If ships of the United States are wrecked on Great Lew Chew, or on islands under the jurisdiction of the royal Government of Lew Chew, the local authorities shall dispatch persons to assist in saving life and property, and preserve what can be brought ashore till the ships of that nation shall come to take away all that may have been saved; and the expenses incurred in rescuing these unfortunate persons shall be refunded by the nation they belong to. Shipwrecks.

Whenever persons from ships of the United States come ashore in Lew Chew, they shall be at liberty to ramble where they please without hindrance or having officials sent to follow them, or to spy what they do; but if they violently go into houses, or trifle with women, or force people to sell them things, or do other such like illegal acts, they shall be arrested by the local officers, but not maltreated, and shall be reported to the captain of the ship to which they belong for punishment by him. Privileges of Americans in Lew Chew.

At Tumai is a burial-ground for the citizens of the United States, where their graves and tombs shall not be molested.

The Government of Lew Chew shall appoint skillful pilots, who shall be on the lookout for ships appearing off the island, and if one is seen coming towards Napa, they shall go out in good boats beyond the reefs to conduct her into a secure anchorage, for which service the captain shall pay the pilot five dollars, and the same for going out of the harbor beyond the reefs. Pilots.

Whenever ships anchor at Napa, the officers shall furnish them with wood at the rate of three thousand six hundred copper cash per thou-

sand catties; and with water at the rate of 600 copper cash (43 cents) for one thousand catties, or six barrels full, each containing 30 American gallons.

Signed in the English and Chinese languages, by Commodore Matthew C. Perry, commander-in-chief of the U. S. naval forces in the East India, China, and Japan Seas, and special envoy to Japan for the United States; and by Sho Fu fing, superintendent of affairs (Tsu-li-kwan) in Lew Chew; and Ba Rio-si, treasurer of Lew Chew, at Shui, for the Government of Lew Chew, and copies exchanged this 11th day of July, 1854, or the reign Hien fung, 4th year, 6th moon, 17th day, at the Town Hall of Napa.

M. C. PERRY.
SHO FU FING.
BA RIO-SI.

LIBERIA.

1862.

TREATY OF COMMERCE AND NAVIGATION.

Concluded October 21, 1862; *ratifications exchanged at London, February* 17, 1863; *proclaimed March* 18, 1863.

The United States of America and the Republic of Liberia, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries, have agreed, for this purpose, to conclude a treaty of commerce and navigation, and have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement; and to effect this, they have named as their respective plenipotentiaries, that is to say:

The President of the United States of America, Charles Francis Adams, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the Court of St. James; and the Republic of Liberia, His Excellency Stephen Allen Benson, President thereof; Negotiators.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

There shall be perpetual peace and friendship between the United States of America and the Republic of Liberia, and also between the citizens of both countries. Peace and amity.

ARTICLE II.

There shall be reciprocal freedom of commerce between the United States of America and the Republic of Liberia. The citizens of the United States of America may reside in and trade to any part of the territories of the Republic of Liberia to which any other foreigners are or shall be admitted. They shall enjoy full protection for their persons and properties; they shall be allowed to buy from and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract, or exclusive privilege of sale or purchase whatever; and they shall, moreover, enjoy all other rights and privileges which are or may be granted to any other foreigners, subjects, or citizens of the most favored nation. The citizens of the Republic of Liberia shall, in return, enjoy similar protection and privileges in the United States of America and in their territories. Freedom of commerce.

Article III.

No discrimination in duties on exports and imports.

No tonnage, import, or other duties or charges shall be levied in the Republic of Liberia on United States vessels, or on goods imported or exported in United States vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels; and in like manner no tonnage, import, or other duties or charges shall be levied in the United States of America and their territories on the vessels of the Republic of Liberia, or on goods imported or exported in those vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels.

Article IV.

No discrimination in duties on account of nationality of imports.

Merchandise or goods coming from the United States of America in any vessels, or imported in United States vessels from any country, shall not be prohibited by the Republic of Liberia, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other foreign vessels. All articles the produce of the Republic of Liberia may be exported therefrom by citizens of the United States and United States vessels on as favorable terms as by the citizens and vessels of any other foreign country.

In like manner all merchandise or goods coming from the Republic of Liberia in any vessels, or imported in Liberian vessels from any country, shall not be prohibited by the United States of America, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other foreign vessels. All articles the produce of the United States, or of their territories, may be imported therefrom by Liberian citizens and Liberian vessels on as favorable terms as by the citizens and vessels of any other foreign country.

Article V.

Shipwrecks.

When any vessel of either of the contracting parties shall be wrecked, foundered, or otherwise damaged on the coasts or within the territories of the other, the respective citizens shall receive the greatest possible aid, as well for themselves as for their vessels and effects. All possible aid shall be given to protect their property from being plundered and their persons from ill treatment.

Salvage.

Should a dispute arise as to the salvage, it shall be settled by arbitration, to be chosen by the parties respectively.

Article VI.

Most favored nation.

It being the intention of the two contracting parties to bind themselves by the present treaty to treat each other on the footing of the most favored nation, it is hereby agreed between them that any favor, privilege, or immunity whatever in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the citizens of the other contracting party gratuitously, if the concession in favor of that other State shall have

been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE VII.

Each contracting party may appoint consuls for the protection of trade, to reside in the dominions of the other; but no such consul shall enter upon the exercise of his functions until he shall have been approved and admitted, in the usual form, by the Government of the country to which he is sent.

Liberty to appoint consuls.

ARTICLE VIII.

The United States Government engages never to interfere, unless solicited by the Government of Liberia, in the affairs between the aboriginal inhabitants and the Government of the Republic of Liberia, in the jurisdiction and territories of the Republic. Should any United States citizen suffer loss, in person or property, from violence by the aboriginal inhabitants, and the Government of the Republic of Liberia should not be able to bring the aggressor to justice, the United States Government engages, a requisition having been first made therefor by the Liberian Government, to lend such aid as may be required. Citizens of the United States residing in the territories of the Republic of Liberia are desired to abstain from all such intercourse with the aboriginal inhabitants as will tend to the violation of law and a disturbance of the peace of the country.

Relations with aboriginal inhabitants of Liberia.

ARTICLE IX.

The present treaty shall be ratified, and the ratifications exchanged at London, within the space of nine months from the date hereof.

Ratifications

In testimony whereof the Plenipotentiaries before mentioned have hereunto subscribed their names and affixed their seals.

Done at London the twenty-first day of October, in the year one thousand eight hundred and sixty-two.

[SEAL.] CHARLES FRANCIS ADAMS.
[SEAL.] STEPHEN ALLEN BENSON.

LUBEC.

(*See* HANSEATIC REPUBLICS.)

LUXEMBURG.

1883.

CONVENTION FOR THE EXTRADITION OF CRIMINALS FUGITIVE FROM JUSTICE.

Concluded October 29, 1883; *ratifications exchanged at Berlin July* 14, 1884; *proclaimed August* 12, 1884.

The United States of America and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes and offenses hereinafter enumerated, and being fugitives from justice, should, under certain circumstances be reciprocally delivered up, have resolved to conclude a convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America, Mr. A. A. Sargent, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of Germany at Berlin; and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, Dr. Paul Eyschen, His Director general of the Department of justice and Chargé d'Affaires of the Grand Duchy of Luxemburg at Berlin, Chevalier of the 2nd Class of the Order of the Golden Lion of the House of Nassau, Commander of the Order of the Crown of Oak and of that of the Lion of the Netherlands, &c, &c, &c.

Negotiators.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The Government of the United States and the Government of Luxemburg mutually agree to deliver up persons who, having been charged as principals or accessories, with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other. Provided that this shall only be done upon such evidence of criminality as, ac-

Extradition of criminals.

cording to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE II.

Persons shall be delivered up who shall have been convicted of or be charged, according to the provisions of the convention, with any of the following crimes: Crimes.

1°. Murder, comprehending the crimes designated in the penal code of Luxemburg by the terms of parricide, assassination, poisoning and infanticide;

2°. The attempt to commit murder;

3°. Rape, or attempt to commit rape, bigamy, abortion;

4°. Arson;

5°. Piracy or mutiny on shipboard whenever the crew or part thereof shall have taken possession of the vessel by fraud or violence against the commander;

6°. The crime of burglary defined to be the act of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods by violence or putting him in fear; and the corresponding crimes punished by the laws of Luxemburg under the description of thefts committed in an inhabited house by night and by breaking in, by climbing or forcibly; and thefts committed with violence or by means of threats.

7°. The crime of forgery by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign or governmental acts;

8°. The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank-notes, obligations, or, in general, anything being a title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps, and marks of State and public administrations and the utterance thereof;

9°. The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries;

10°. Embezzlement by any person or persons hired or salaried to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed;

11°. Wilful and unlawful destruction or obstruction of rail-roads which endangers human life;

12°. Reception of articles obtained by means of one of the crimes or offenses provided for by the present convention.

Extradition may also be granted for the attempt to commit any of the crimes above enumerated, when such attempt is punishable by the laws of both contracting parties.

ARTICLE III.

A person surrendered under this convention shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offense not provided for by the present convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have Extradited person not to be tried for previous offenses.

been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned.

He may however be tried or punished for any crime or offense provided for by this convention committed previous to his extradition, other than that which gave rise to the extradition, and notice of the purpose to so try him, with specification of the offense charged, shall be given to the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in article 7 of this convention.

Extradition to a third country.

The consent of that government shall be required for the extradition of the accused to a third country; nevertheless such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of time above specified the territory of the country to which he has been surrendered.

ARTICLE IV.

Persons cannot be extradited for political offenses.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offense or of one connected with such a crime or offense. A person who has been surrendered on account of one of the common crimes or offenses mentioned in article 2, shall consequently in no case be prosecuted and punished in the State to which his extradition has been granted on account of a political crime or offense committed by him previously to his extradition or on account of an act connected with such a political crime or offense, unless he has been at liberty to leave the country for one month after having been tried, and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

An attempt against the life of the head of a foreign government or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, shall not be considered a political offense or an act connected with such an offense.

ARTICLE V.

Neither nation to deliver its own citizens.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE VI.

Offenses in country of asylum.

If the person whose surrender may be claimed pursuant to the stipulations of the present treaty shall have been arrested for the commission of offenses in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE VII.

Requisitions of the surrender of fugitives from justice shall always be made through a diplomatic channel.

Requisitions for extradition; modes of procedure.

If the person whose extradition may be asked for shall have been convicted of a crime or offense, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal and attestation of the official character of the judge by the proper executive authority; and of the latter by the minister or con-

sul of the United States or by the minister or consul charged with the interests of Luxemburg, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States or the proper authority in Luxemburg may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to the law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE VIII.

The expenses of the arrest, detention and transportation of the persons claimed shall be paid by the government in whose name the requisition has been made. Expenses.

ARTICLE IX.

Extradition shall not be granted in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed, has become barred by limitation, according to the laws of the country to which the requisition is addressed. No extradition when penalty is barred by limitation.

ARTICLE X.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person. Seizure of articles in possession of the accused.

The rights of third parties to the articles so found shall nevertheless be respected.

ARTICLE XI.

The present convention shall take effect thirty days after the exchange of ratifications.

It may be terminated by either of the contracting parties, but shall remain in force for six months after notice has been given for its termination. Duration of convention.

It shall be ratified and its ratifications shall be exchanged as soon as possible. Ratifications

In witness whereof the respective plenipotentiaries have signed the above articles both in the English and French languages, and they have thereunto affixed their seals.

Done, in duplicate, at the city of Berlin, this 29th day of October, A. D. 1883.

[SEAL.] A. A. SARGENT.
[SEAL.] PAUL EYSCHEN.

MADAGASCAR.

1867.*

TREATY OF COMMERCE AND NAVIGATION.

Concluded February 14, 1867; *ratifications exchanged at Antananarivo July* 8, 1868; *proclaimed October* 1, 1868.

Negotiators.

Between Rainimaharavo, Chief Secretary of State, 16 vtra., Andriantsitohaina, 16 vtra., Rafaralahibemalo, head of the civilians, on the part of the Government of Her Majesty the Queen of Madagascar, and Major John P. Finkelmeier, the Comercial Agent of the U. S. for Madagascar, on the part of the Government of the U. S. of America, all duly authorized to that effect by their respective Governments, the following articles of a comercial treaty have this day been drawn up and signed by mutual agreement:

I.

Declaration of amity.

Her Majesty Rasoherina Manjaka, Queen of Madagascar, and his Excellency Andrew Johnson, President of the U. S. of America, both desirous, for the good and welfare of their respective countries, to enter into a more close comercial relation and friendship between the subjects of Her Majesty and the people of the U. S., hereby solemnly declare that peace and good friendship shall exist between them and their respective heirs and successors forever without war.

II.

Right of domicile.

The dominions of each contracting party, as well as the right of domicil of their inhabitants, are sacred; and no forcible possession of territory shall ever take place in either of them by the other party, nor any domiciliary visits or forcible entries be made to the houses of either party against the will of the occupants. But whenever it is known for certain, or suspected, that transgressors against the laws of the Kingdom are in certain premises, they may be entered in concert with the U. S. Consul, or, in his absence, by a duly authorized officer, to look after the offender.

Religious worship.

The right of sovereignty shall in all cases be respected in the dominions of one Government by the subjects or citizens of the other. Citizens of the U. S. of America shall, while in Madagascar, enjoy the privilege of free and unmolested exercise of the Christian religion and its customs; new places of worship, however, shall not be builded by them without the permission of the Government.

* See treaty of May 13, 1881, for revision and addition.

They shall enjoy full and complete protection and security for themselves and their property, equally with the subjects of Madagascar; the right to lease or rent land, houses, or store-houses for a term of months or years mutually agreed upon between the owners and American citizens; build houses and magazines on land leased by them, in accordance with the laws of Madagascar for buildings; hire labourers, not soldiers, and if slaves, not without permission of their masters. Rights of persons and property.

Should the Queen, however, require the services of such labourers, or if they should desire, on their own account, to leave, they shall be at liberty to do so, and be paid up to the time of leaving, on giving previous notice.

Contracts for renting or leasing land or houses or hiring labourers may be executed by deeds signed before the U. S. Consul and the local authorities. They also shall be permitted to trade or pass with their merchandise through all parts of Madagascar which are under the controle of a Governor, duly appointed by Her Majesty, with the exception of Ambohimanga, Ambohimanambola, and Amparafaravato, which places foreigners are not permitted to enter, and, in fact, be entitled to all privileges of comerce granted to other favoured nations. Contracts. Trade.

The subjects of Her Majesty the Queen of Madagascar shall enjoy the same privileges in the U. S. of America.

III.

Comerce between the people of America and Madagascar shall be perfectly free, with all the privileges under which the most favoured nations are now or may hereafter be trading. Citizens of America shall, however, pay a duty, not exceeding ten per cent. on both export and import in Madagascar, to be regulated by a tariff mutually agreed upon, with the following exceptions: Munition of war, to be imported only by the Queen of Madagascar into her dominions, or by her order. Prohibited from export by the laws of Madagascar are munition of war, timber, and cows. No other duties, such as tonnage, pilotage, quarantine, light-house dues, shall be imposed in ports of either country on the vessels of the other to which national vessels or vessels of the most favoured nations shall not equally be liable. Tariff duties.

Ports of Madagascar, where there is no military station under the controle of a Governor, must not be entered by U. S. vessels. Ports.

IV.

Each contracting party may appoint consuls, to reside in the dominions of each other, who shall enjoy all privileges granted to consuls of the most favoured nations, to be witness of the good relationship existing between both nations and to regulate and protect commerce. Consuls.

V.

Citizens of the U. S. who enter Madagascar, and subjects of Her Majesty the Queen of Madagascar, while sojourning in America, are subject to the laws of trade and comerce in the respective countries. In regard to civil rights, however, whether of person or property, of American citizens, or in cases of criminal offences, they shall be under the exclusive civil and criminal jurisdiction of their own consul only, duly invested with the necessary power. Privileges of citizens of one nation in the territory of the other.

But should any American citizen be guilty of a serious criminal offence against the laws of Madagascar, he shall be liable to banishment from the country.

Disputes. All disputes and differences arising within the dominions of Her Majesty between citizens of the U. S. and subjects of Madagascar shall be decided before the U. S. Consul and an officer duly authorized by Her Majesty's Government who shall afford mutual assistance and every facility to each other in recovering debts.

VI.

Vessels. No American vessel shall have communication with the shore before receiving pratique from the local authorities of Madagascar, nor shall any subject of Her Majesty the Queen be permitted to embark on board of an American vessel without a passport from Her Majesty's Government.

Deserters. In cases of mutiny or desertion, the local authorities shall, on application, render all necessary assistance to the American Consul to bring back the deserters and to re-establish discipline, if possible, among the crew of a merchant-vessel.

VII.

Shipwrecks. In case of a shipwreck of an American vessel on the coast of Madagascar, or if any such vessel should be attacked or plundered in the waters of Madagascar adjacent to any military station, Her Majesty engages to order the Governor to grant every assistance in his power to secure the property and to restore it to the owner or to the U. S. Consul, if this be not impossible.

VIII.

Ratifications. The above articles of treaty, made in good faith, shall be submitted to both the Government of the U. S. of America and Her Majesty the Queen of Madagascar for ratification, and such ratifications be exchanged within six months from date of ratification, at Antananarivo.

Should it, at any future time, seem desirable, in the interest of either of the contracting parties, to alter or add to the present treaty, such alterations or additions shall be effected with the consent of both parties.

Duplicate originals of this treaty, with corresponding text in the English and Malagasy languages, which shall be both of equal authority, have been signed and sealed at Antananarivo this day.

SUPPLEMENTARY ARTICLE TO § II.

Supplementary article. P. S.—Should there be any business of the Queen requiring the services of such labourers, they shall be permitted to leave without giving previous notice. The sentence in Article II, stating that previous notice must be given, refers only to labourers leaving on their own account.

[SEAL.] J. P. FINKELMEIER, *U. S. C. A.*

[SEAL.] RAINIMAHARAVO,
Chief Secretary of State, 16 *vtra.*
ANDRIANTSITOHAINA, 16 *vtra.*
RAFARALAHIBEMALO,
Loholona Chibe amy ny Brz.

ANTANANARIVO, 14*th February*, 1867.

1881.

TREATY OF PEACE, FRIENDSHIP, AND COMMERCE.

Concluded at Antananarivo May 13, 1881; *ratifications exchanged at Washington March* 12, 1883; *proclaimed March* 13, 1883.

Whereas a treaty of friendship and commerce between the Government of Madagascar and the Government of the United States of America was concluded on the fourteenth of February, 1867, at Antananarivo, the capital of Madagascar, under which the most friendly relations between the two have existed up to the present time; and whereas Her Majesty Ranavalomanjaka, Queen of Madagascar, and his Excellency James A. Garfield, President of the United States of America, are both desirous, for the good and welfare of their respective countries, to maintain the present friendly relations, and to expand the commerce between the two countries; to prevent as far as possible complications and disputes between their respective subjects and citizens, and to provide more definitely the manner of executing the obligations of the treaty and the adjustments of disputes that may arise in the future, the following articles of revision and addition to the treaty of the fourteenth of February, 1867, have been mutually agreed to and signed by Ravoninahitriniarivo 15th Honor, Officer of the Palace, Chief Secretary of State for Foreign Affairs, on the part of the Government of Madagascar; and W. W. Robinson, United States Consul for Madagascar, on the part of the Government of the United States of America, on the thirteenth day of May (seventeenth of Alakaosy) eighteen hundred and eighty-one.

Negotiators.

ARTICLE I.

The high contracting parties solemnly declare that there shall continue to be a firm, inviolate peace, and a true and sincere friendship existing between them and their respective heirs and successors forever without war.

Friendship.

ARTICLE II.

1. The dominions of each contracting party as well as the right of domicile of their inhabitants are sacred, and no forcible possession of territory shall ever take place in either of them by the other party, nor any domiciliary visits nor forcible entries be made to, or espionage of, the houses of either party against the will of the occupants, except as hereinafter provided in Article VI., sects. 4 and 23.

Right of domicile.

2. The right of sovereignty shall in all cases be respected in the dominions of one government by the subjects or citizens of the other.

Right of sovereignty.

3. Citizens and protegés of the United States of America will respect the government of Ranavalomanjaka, and that of her heirs and successors, and will not interfere with the institutions of the country, nor meddle with affairs of Her Majesty's Government, unless employed by Her Majesty.

United States citizens not to interfere with affairs of the Government of Ranavalomanjaka.

4. The dominions of Her Majesty the Queen of Madagascar shall be understood to mean the whole extent of Madagascar; and United States vessels and citizens shall not aid Her Majesty's subjects in rebellion, nor sell munitions of war to them, nor bring them help in warfare, or teach the art of war to them; and

United States citizens not to encourage war in Madagascar.

the same shall apply to rebels against the heirs and successors of Her Majesty within the dominions of Madagascar.

Privileges of United States citizens for free religious worship.

5. Citizens and protegés of the United States of America, while in Madagascar, shall enjoy the privilege of free and unmolested exercise of their respective Christian religious opinions and customs; new places of worship, however, shall not be built by them without the permission of the Government of Madagascar.

Rights of person and property.

6. Citizens and protegés of the United States of America while in Madagascar shall enjoy full and complete protection and security for themselves and their property equally with the subjects of Madagascar.

ARTICLE III.

No purchase of Madagascar lands permitted.

1. According to the laws of Madagascar from all time, Malagasy lands cannot be sold to foreigners, and, therefore, citizens and protegés of the United States of America are prohibited from purchasing lands in Madagascar; but still they shall be permitted to lease or rent lands, houses, or storehouses for a term of months or years, mutually agreed upon between the owners and United States citizens, not exceeding twenty-five years for one term; but the lessee, or owner of the lease, at the expiration of a term, may, if he should wish to do so, and can agree with the lessor (proprietor of the land), renew the lease by periods not exceeding twenty-five years for any one term; and the conditions agreed upon by the parties for such renewals are to be inserted in the lease.

Lease of lands.

Renewals of lease.

However, every renewal must be acknowledged at the time of making it before the proper authorities, as hereinafter provided in sec. 9 of this article for executing leases for lands and houses; and the same fee may be exacted.

Building on leased lands.

2. United States citizens and protegés shall be permitted to build houses and magazines, of any material desired, on land leased by them, according to the agreement made with the owner; and when the lease contains a condition permitting the lessee to remove the buildings and fixtures so constructed by him, the same shall be removed within three months after the final expiration of the lease; otherwise they shall become the property of the owner of the land.

Fortifications not to be built on leased lands.

Minerals.

3. This privilege of leasing lands and building thereon by United States citizens and protegés shall not be construed as a right to build fortifications of whatever nature, nor to mine on the lands; and should any minerals be accidentally found on such lands, they are to be left to the disposition of Her Majesty's Government, and no agreement will be valid made between parties to avoid this clause relative to minerals.

Rules for lease of lands.

4. United States citizens and protegés who wish to lease tracts of unappropriated lands in Madagascar may lease of the Malagasy Government, under the same rules as provided above in this article, secs. 1–3, for leasing lands of Her Majesty's subjects.

Hiring of laborers and slaves.

5. United States citizens and protegés shall be allowed to hire laborers, not soldiers, and, if slaves, not without the permission of their masters. And if such hired laborers should desire to leave, they shall be at liberty to do so, and be paid up to the time of leaving on giving one month's previous notice.

Conditions and restrictions on the hire of laborers.

6. This notice, however, shall not be required from the Government of Madagascar, when Her Majesty the Queen shall have immediate and unexpected need of the services of such laborers; but the officers of the Government in taking such laborers for government service will avoid taking the skilled laborers—

those who have become habituated to the special avocations in which they are employed—and the permanently employed servants, when the circumstances will admit. And the Queen calling such laborers for soldiers or other pressing government service, shall be considered as the circumstances under which they may be taken without the notice, and paid up to the time of leaving.

The above restriction is intended to prevent the local authorities from taking such permanent laborers from their employers, but not to interfere with the right of Her Majesty the Queen of Madagascar to call them to government service when needed.

Rights of mail carriers and servants of United States citizens.

7. Mail carriers, and bearers of dispatches, and bearers of freight, as well as the servants and bearers of travelers employed by United States citizens and protegés, and provided with passports from the Malagasy Government, will not be taken away while en route, but must be permitted to finish their journeys. Nevertheless, such persons if transgressing the law, will not be exempt from arrest even while on the journey.

Slaves.

8. Slaves shall be allowed to engage themselves with United States citizens and proteges for short periods, where their masters are far away, or where it is not known whether they are slaves or not, but if they are demanded by their masters they shall be allowed to leave, and be paid up to the time of leaving, without giving the one month's previous notice.

Contracts.

9. Contracts for renting or leasing lands or houses, or hiring laborers, shall be executed by leases for lands and contracts for labor in writing which shall be executed before the United States consular officer and the governor of the district where such consular officer resides, or instead of said governor such officer as he may delegate for such duty, who, when satisfied that the parties have the right to make the contract, shall approve it in writing signed by them, and sealed with their official government seals.

Fees for approval.

10. And for such service a fee not exceeding two dollars ($2) may be exacted for each official seal. But when the period contracted for, for labor does not exceed six months, procuring this official approval shall be optional with the parties.

Approval by proper officers.

11. And the United States consular officer, as well as the governor of the district where such officer resides, or any other local officer that may be designated by the governor for that purpose, shall approve the same without delay, unless it be in the case of some unavoidable preventing circumstances, or on a day when official business is stayed by the Queen of Madagascar.

Tax on leased lands

12. On lands so leased by American citizens and protegés, the American lessee shall pay to Her Majesty an annual tax of two cents per English square acre upon lands for cultivation, and on town lands an annual tax of one-fourth cent per English square yard.

Other taxes

13. This tax shall not be considered as payment in whole or in part of other taxes which may be levied on such United States citizens and protegés, or the citizens and subjects of other nations residing in Madagascar and Malagasy subjects, not of any part of the export duty upon the productions of such lands, but as a special and tax.

Payment of tax.

14. This tax shall be paid once each year in the month which shall be fixed by the government for its payment; and the officer who shall be designated to receive such, shall upon reception of each tax give a receipt therefor, over his signature and official seal,

mentioning the day, month and year on which it was received, and describing the land upon which the tax is paid, and for what year, as a proof of payment.

Transfer of leases.

15. Such leases may be transferred; in which cases notice must be given to the government authority of Madagascar.

Passports.

16. Citizens and protegés of the United States of America who come to Madagascar must present a passport from their government, or from some consul, certifying their nationality; otherwise they are liable to be prohibited from residing in Madagascar.

Rights insured by passport.

17. But after producing such passport, they shall be permitted to follow any occupation they wish; to print books or newspapers of a moral character, or any books or periodicals on literary, commercial, or scientific subjects, provided they are not of an unlawful character; but shall not be permitted to publish seditious criticisms upon Her Majesty's Government.

Right of travel restricted to certain districts.

18. United States citizens and protegés shall be permitted to pass with or without merchandise, with their bearers, baggage, carriers, and servants, through all parts of Madagascar which are under the control of a governor duly appointed by Her Majesty the Queen of Madagascar, with the exception of Ambohmianga, Ambohmianambola, and Amparafaravato, which places foreigners are not permitted to enter; and, in fact, be entitled to all privileges of commerce or other business, calling or profession granted to the most favored nation, so long as they do not infringe the laws of Madagascar.

Most favored nation.

19. The subjects of Her Majesty the Queen of Madagascar shall enjoy the same privileges in the United States of America.

ARTICLE IV.

Freedom of commerce.

1. Commerce between the people of the United States of America and Madagascar shall be perfectly free, with all the privileges under which the most favored nations are now, or may hereafter be trading.

Duties on imports and exports.

2. Citizens of the United States of America shall, however, pay a duty not exceeding ten per cent. on both exports and imports in Madagascar, to be regulated by a tariff to be mutually agreed upon.

Duties on vessels.

3. No other duties, such as tonnage, pilotage, quarantine, or light-house dues shall be imposed in ports of either country on the vessels of the other, to which national vessels, or vessels of the most favored nations, shall not equally be liable.

Payment of duties.

4. Until Her Majesty the Queen shall decide to collect all duties in money, the import duty on American goods may be paid in money or in kind, on each kind of goods, at the option of the owner or consignee, and according to a tariff that shall be agreed upon, not exceeding ten per cent.

Tariff of customs dues.

5. This tariff of customs dues shall be drawn up by the United States consul and an officer delegated by Her Majesty's Government for the purpose, within three months after the exchange of the ratification of this treaty, and shall be submitted to the two governments for approval; and the same shall be published within one year from the date of the exchange of the ratification of this treaty. And this tariff may be revised in the same way, in whole or upon any article or articles, at any time, upon the application of either govern-

ment, should it be found rated too high or too low, in whole or upon any one article or articles of merchandise.

6. In case any article of import or export should be inadvertently omitted from such tariff, the duty levied on such article shall be ten per cent. ad valorem until the proper tariff on the same shall be agreed upon.

Duty of ten per cent. ad valorem on articles omitted from tariff.

7. United States citizens and protegés are not allowed to import munitions of war into Madagascar, except on orders from Her Majesty the Queen of Madagascar.

Importation of certain articles restricted.

8. In regard to alcoholic liquors, the Malagasy Government may regulate the importation according to its pleasure; or prohibit the importation altogether; or limit the importion as required; may levy as high a duty as it may see fit, or make it a misdemeanor to sell or give such liquors to certain classes of its subjects.

Alcoholic liquors

9. And should it be found at any time that any other articles of an injurious nature, tending to the injury of the health or morals of Her Majesty's subjects, are being imported, Her Majesty's Government shall have the right to control, restrict or prohibit the importation in like manner, after giving due notice to the United States Government.

Importation of injurious articles.

10. Prohibited from export by the laws of Madagascar are timber and cows. Timber, however, may be exported by Her Majesty the Queen of Madagascar, or by her order.

Prohibition of the exportation of timber and cows.

11. Ports of Madagascar, where there is no military station under the control of a governor duly appointed by Her Majesty the Queen of Madagascar, must not be entered by United States vessels for purposes of trade; should they do so, they will be treated as smugglers.

Closed ports.

12. And Her Majesty's Government will not be responsible for dammage by robbery of, or other malfeasance to United States citizens or protegés in districts where there are no governors, nor other officers or soldiers duly appointed by Her Majesty's Government, should such United States citizens go into such districts without special permits.

Not responsible for damages by robberies, etc., in certain districts.

13. Goods which have been duly entered and duties paid thereon at a regular port of entry, may be carried to other ports in United States coasting vessels and landed without further payment, on presentation of invoices of the same, duly certified by the chief collector of cusoms at the port of entry, showing that the duties have been paid.

Coasting vessels.

14. Vessels entering Malagasy ports which are not ports of entry for the purpose of trade, will be seized; the masters and crews will be treated as smugglers, and the vessel and cargo will be confiscated.

Penalty for vessels entering closed ports.

15. It is further agreed between the high contracting parties that the offering of a forged passport or one surreptitiously obtained, for entry of goods at any of Her Majesty's ports, or being in any manner knowingly concerned in such fraudulent passports or invoices, either by making, or buying, or selling the same, or by offering to enter goods by means of the same, shall be considered a felony, and the person or persons found guilty of such an offense, whether American or Malagasy, shall be punished by imprisonment or fine or both according to the aggravation of the offence, as hereinafter provided by Article VI.; and this in addition to the penalty for smuggling when goods have been smuggled, or attempt has been made to smuggle, by means of such fraudulent passports or invoice.

Fraudulent passports and invoices.

16. United States vessels of war shall be permitted to enter freely into the military ports, rivers, and creeks situated in the dominions of Her Majesty the Queen of Madagascar, to make repairs and to provide themselves, at a fair and moderate price, such supplies, stores and provisions as they may from time to time need, including timber for necessary repairs, without payment of duty.

Vessels of war, treatment of.

17. On account of Her Majesty the Queen of Madagascar's desire to facilitate communications between the United States and Madagascar and thereby to advance commerce between the two countries, the United States Government and United States private steamship companies are hereby granted the privilege to land and deposit coal for the use of United States Government and private steamers at Tamatave or Mojanga, or both, on land designated by the governor for that purpose, and to take the same away again from time to time for the use of such steamers, without payment of duties or harbor charges of any kind; but a nominal rent of five cents a ton shall be paid per annum as rent for the land on which it may be stored. This privilege shall continue until coal of Madagascar production in sufficient quantity for such steamers can be bought. But should any of the vessels bringing such coal, or any of the steamers taking the same away, bring goods to sell at such port, or take goods from the same, such vessel must pay the same duty and harbor charges as other merchant vessels except on the coal. And should any of such coal be sold in Madagascar, duty must be paid on the quantity so sold.

Coaling station privileges.

Traffic in coal.

ARTICLE V.

1. The contracting parties may appoint consular officers of any or of all grades to reside in the dominions of the other, and such consular officers shall be granted all the rights and privileges granted to functionaries of like grades of the most favored nation, as witnesses of the good relations existing between the two nations, and to regulate and protect commerce.

Rights of consular officers.

2. The President of the United States of America may send a diplomatic officer of any grade to reside in Madagascar who shall enjoy the rights and privileges provided by international law for his grade.

Rights of diplomatic officer.

3. The Queen of Madagascar shall have the like privilege of sending a diplomatic officer of any grade to the United States of America, and he shall enjoy there likewise all the rights and privileges of his grade established by international law.

ARTICLE VI.

1. Citizens and protegés of the United States of America, who enter Madagascar, and subjects of Her Majesty the Queen of Madagascar, while sojourning in the United States of America, are subject to the laws of trade and commerce in the respective countries.

Laws of trade and commerce.

2. In regard to civil rights, whether of person or property, of citizens and protegés of the United States of America, where disputes or differences shall arise between them, or in cases of criminal offences committed by them upon each other, they shall be under the exclusive civil and criminal jurisdiction of their own consuls, duly invested with the necessary powers.

Civil rights, disputes and crimes.

3. Neither shall the Malagasy authorities interfere in differences or disputes between United States citizens and protegés and the citizens or subjects of any third power in Madagascar. Differences and disputes.

4. But the Malagasy police may, whenever a United States citizen or protegé shall be discovered in the act of committing a crime against any person, of whatever nationality, or breach of the peace in any manner, whether by making unlawful disturbance in the streets and public places, or in any manner breaking the published laws of Madagascar, arrest such offender without process and take him immediately before the proper United States consular officer, who will take such action in the case as the circumstances, the laws of the two countries, and the stipulations of this treaty require. Arrests for crimes, etc.

5. The Malagasy Government will supply to each United States consular officer residing in Madagascar, within six months after the exchange of the ratification of this treaty, one or more printed copies of all laws, decrees, or customs having the force of law which affect in any way, directly or indirectly, foreigners sojourning in Madagascar, in their rights and privileges, either of person or property, for the information of United States citizens sojourning in Madagascar. Laws, decrees, etc., to be furnished United States consuls.

6. And in like manner, whenever any change shall be made in such laws or decrees, or new ones be promulgated, touching the interests of such persons, a like printed copy of the same shall be furnished to each said United States consular officers, at least one month before such change, or new law, or decree shall take effect; and when any such change, or new law, or decree, touches or changes the regulations of the custom-house, or duties to be paid, or the laws in regard to exports and imports, the said copies of such new laws and decrees shall be so furnished at least six months before taking effect against United States citizens. Notices to be given consuls of changes in laws, etc.

7. All disputes and differences arising between citizens and protegés of the United States of America and subjects of Madagascar, and all criminal offences committed by such citizens and protegés against said subjects of Madagascar, and all criminal offences committed by the subjects of Madagascar against the citizens and protegés of the United States of America, as well as all infringement of the laws of Madagascar by the United States citizens and protegés, shall be investigated, tried, and adjudged by "mixed courts," as follows: Mixed courts for the trial of disputes and differences.

8. The chief United States diplomatic officer, when there shall be one in Madagascar, or when there is no such officer residing in the kingdom, the chief or senior United States consular officer, and a Malagasy officer, duly appointed by her Majesty the Queen of Madagascar for that purpose, shall constitute a "mixed superior court," which shall be "a court of record," and may hold its sittings at Antananarivo, the capital of Madagascar, or at Tamatave, according as the circumstances of the business of the court may require. Mixed superior court.

9. This superior court shall have both original and appellate jurisdiction; that is, actions may be commenced and decided in it, and it may also try cases appealed from the inferior courts herein provided for, as follows: Jurisdiction.

10. There shall be one inferior mixed court in each United States consular and each United States consular agent's district in Madagascar. Such courts shall consist of the United States consular officer of the district and a Malagasy officer appointed by Her Majesty's Government for the purpose, for each district. Mixed inferior courts.

Jurisdiction.

11. The inferior courts shall have original jurisdiction of civil cases where the sum claimed does not exceed five hundred dollars ($500) or imprisonment for more than one year, or both, as will be more fully explained in the "Code of Rules" of proceedings for the mixed courts, hereinafter provided for.

Appeals.

12. Appeals from the superior mixed courts may be taken to either of the two governments, at the option of the party appealing, in the manner provided in said "Code of Rules."

Trials.

13. In the trial of actions in these courts, the native judge shall preside and have the prevailing voice in the decisions when United States citizens or protegés are the plaintiffs, and vice versa when they are defendants, that is, when subjects of the Queen are the plaintiffs the United States (consular or diplomatic) officer, as the case may be, shall preside and have the prevailing voice in the decisions.

Presiding judge.

14. But the presiding judge shall in every case counsel with and give due weight to the opinions of the associate judge before giving decisions.

Bribery and corruption.

15. It is agreed by the high contracting parties that any attempt to influence the decision of these judges, or any one of them, in a case on trial, or to be decided by them, except by arguments in open court, shall be considered a misdemeanor; and that the offering a bribe to any one of them in money or other object of value or favor, for the purpose of influencing his decision, shall be considered a felony, and that the person proved guilty of either of these offences shall be punished by the government to which he belongs, according to the grade of his crime. And if it shall be proved that a judge of these courts, of either nationality, shall have received a bribe to influence his decision in any case, he shall be dismissed from his office of judge, and otherwise punished according to the laws of his own nation for such malfeasance.

Penalty.

Code of rules for mixed courts.

16. It is further agreed that within six months after the exchange of the ratification of this treaty, that the chief diplomatic or consular officer of the United States, who shall be at the time residing in Madagascar, and one or more officers to be selected by Her Majesty's Government, shall meet and together draw up a "Code of Rules" of proceedings for these mixed courts, which code, when so drawn and signed by said officers, shall be forwarded by them to their respective governments for approval; and when approved by both governments shall be considered a part of this treaty, duly ratified as such. And this treaty, including said code of rules, together with international law, and the laws of the United States of America and of Madagascar, in so far as the latter can be made to harmonize, shall govern proceedings in these courts.

Scope of code of rules.

17. It is agreed that the said "Code of Rules" shall follow, in so far as the laws and present status of things in Madagascar will admit, the rules of proceedings in United States consular courts in Madagascar; that all attestations in the proceedings shall be made under the judicial oath or affirmation of civilized nations; and that the said code of rules shall define how actions shall be commenced and be conducted, the grades of offences and their punishments, under what circumstances arrests may be made, and the amount and manner of bail to be taken, the disposition to be made of fines collected, when, how, and to whom appeals may be taken, and all other matters necessary for the intelligent working of such courts. And shall also contain forms for writs and other processes, and a tariff of fees.

18. In all cases of arrest permitted by this treaty now, and to be provided for by the "Code of Rules," the prisoners shall be, during their detention, treated with all the humanity consonant with the laws of civilized nations. Her Majesty's Government will see that they are supplied with wholesome food and drink in sufficient quantity, and detained in healthy quarters, and that they are brought to trial in the shortest time possible consonant with the convenience of the prisoner. Treatment of prisoners.

19. In cases of arrest of American citizens or protegés in the absence of a United States consular officer, or where no such officer resides, the authority causing the arrest shall immediately inform the nearest United States consular officer of the fact and of the circumstance of the case, and also cause the prisoner to be taken as soon as possible before the mixed court of which that nearest consular officer is a judge. Arrest of American citizens during consul's absence.

20. It shall be the duty of the court to encourage the settlement of controversies of a civil character by mutual agreement, or to submit the same to the decision of referees agreed upon by the parties. And in criminal cases, which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the court, to adjust the same among themselves upon pecuniary or other considerations. Settlement of controversies, etc.

21. Her Majesty's Government will render all assistance in its power to United States citizens and protegés toward collecting their legal claims against Her Majesty's subjects; and United States consular officers will likewise render every assistance in collecting legal claims against United States citizens and protegés. Collection of claims, etc.

22. Whenever it is known, or there is reason to believe, that transgressors against the laws, fugitives from justice, are on the premises of United States citizens or protegés, such premises may be entered by the Malagasy police with the consent of the occupants, or against their consent in company with a United States Consular officer, or with his written order. In case of absence of such United States officers, or in places where no such officers reside, the police may make such entry by the order of the local authority, to look for the offender or stolen property; and the offender, if found, may be arrested, and all stolen property seized. Search for fugitives from justice and stolen goods.

23. Murder and insurrection or rebellion against the Government of Madagascar with intent to subvert the same, shall be capital offence, and not bailable; and when a United States citizen shall be convicted by this court of either of those crimes he shall be banished the country and sent to the United States of America for a review of his trial and approval of his sentence and punishment. If a Malagasy subject be convicted by the court of the murder of a United States citizen or protegé he shall suffer such punishment as the Malagasy law awards for such crime when Her Majesty, the Queen of Madagascar, shall have approved the judgment of the court. Capital offences. Trial, etc.

24. When a United States citizen shall have been convicted of several minor offences, showing him to be a turbulent and intractable person, he shall, upon the request of the Government of Her Majesty the Queen, be banished the country. Minor offences. Penalty.

ARTICLE VII.

1. No United States vessel shall have communication with the shore before receiving pratique from the local authorities of Madagascar and producing a "bill of health" from the port Sanitary regulations.

sailed from, signed by the Malagasy consul if there be one at that port; if none, then by the person duly authorized to give such bills of health.

Passports.

2. Malagasy subjects shall not be permitted to embark on United States vessels without a passport from Her Majesty's Government.

Mutiny and desertion.

3. In cases of mutiny on United States merchant vessels, or in cases of desertion from United States national or private vessels, the local authorities shall, on application, render all necessary assistance as far as is possible to the United States consular officer to bring back the deserter or to restore discipline on board merchant vessels.

Arrest of deserters.

4. When a United States consular officer shall ask the local authorities to arrest a deserter from a vessel, the police shall be directed to do their utmost to arrest promptly such deserter in the district. And if the consular officer suggest any other places where the deserter may have secreted himself, the authorities shall give a written notice to the governor of such district pointed out, who shall in his turn do his utmost to find and arrest the deserter. And the result of such efforts, whether successful or otherwise, shall be promptly reported to the governor, who shall report to the consular officer.

Fees for arrest of deserters.

5. For the services required by this article for arresting deserters, if such deserter be arrested, a fee of three dollars ($3) may be exacted for each deserter arrested, and five cents per English mile for the distance actually travelled by the police, and also such necessary expenses as may be incurred for food, ferrying, and imprisonment of the deserter.

Failure of police to perform duty. Penalty.

6. And if discovered that such police did not do their utmost they shall be punished by the governor; and if such police have done their utmost but without success, they will be none the less entitled to the expenses above stated, but not to the fee of three dollars ($3).

Article VIII.

Shipwrecks.

1. In case of a shipwreck of a United States vessel on the coast of Madagascar, or if any such vessel should be attacked or plundered in the waters of Madagascar, adjacent to any military station, the governor will do his utmost to urge the people to save life and to secure property and to restore it to the owners or to the United States consul, and if there be no consul nor owner in such district, an inventory of the goods rescued shall be made and the goods shall be delivered to the nearest United States consular officer, who shall give the governor a receipt for the same.

Rescue of lives and goods.

2. The governor of the district shall take the names of the people engaged in saving such vessel, and designate those who rescue lives and those who save goods.

Salvage.

3. And if such vessel be an abandoned one, then one-fourth of vessel and goods may be claimed for salvage.

Vessel in distress.

4. And if a vessel be in distress, and the captain or crew demand help, such help shall be rewarded at the rate of twenty-five cents a day for soldiers and laborers, and one dollar a day for officers who superintend such help.

Failure to ask assistance.

5. And if any vessel be wrecked or in distress, and the captain or crew do not demand assistance, being in a situation to do so, and consequently the Malagasy do not save anything, the governor and people will not be responsible.

6. However, in case the captain or crew demand assistance, or are in a situation where making such a demand is impossible, and it is known that the governor did not do his utmost to move the people to save such vessel and cargo, he shall be punished according to the laws of Madagascar. Punishment for neglect, etc., in case of shipwreck.

7. The same protection shall be granted to Malagasy vessels attacked or plundered in the waters of the United States of America. Like protection to Malagasy vessels.

ARTICLE IX.

1. American goods may be landed in bond to be reshipped to other ports without payment of duties, under the following rules: Goods landed in bond for reshipment.

2. When it may be desired to so land goods to be reshipped to other ports, the owner of the goods, or the consignee, or master of the vessel, as the case may be, shall present to the local governor, or to the collector of customs, as the governor may direct, a correct invoice or manifest of the goods so landed, showing values by detail when there are goods of different kinds, or of different values, and quantities of each and the total value. Invoice of goods landed.

3. The Malagasy customs officers shall verify by inspection the goods when landed with the invoice or manifest; then the owner, consignee, or master of the vessel, as the case may be, shall execute a bond payable to the governor or collector of customs, as may be directed by the local authority, conditioned to pay the established duties on such goods, or on such part of them as shall not have been reshipped within the period agreed upon, which period shall be mentioned in the bond as the date of its maturity. Then such goods may be stored on the premises of their owner or consignee, or in magazines rented by him for that purpose. Inspection of goods; bond.

4. When he reships the goods, he will notify the party to whom this bond has been given to be present and again verify the goods with the invoice or manifest, when, if none are lacking, he will be entitled to the return of his bond, or if the goods or any part of them are lacking, he must pay the duty established by Article IV. on such as are not found and reshipped, which will equally entitle him to receive back his bond. Upon reshipment of goods bond to be returned.

ARTICLE X.

Her Majesty's Government desires the development of the dormant resources of the kingdom, and the advancement of all the useful mechanical and agricultural industries therein, and thereby to promote the best interests of commerce and Christian civilization by adoption and application of such modern improvements and appliances as shall be suitable for such purposes and best adapted to the condition of Madagascar, and for the best interests of Her Majesty's people; and toward the accomplishment of these objects, should any United States citizens or protegés of good character, and possessing the requisite qualifications for the special business proposed, desire to engage in such industries in Madagascar by investment of capital or labor, or in teaching the people how to apply the modern improvements in the prosecution of the industries, their applications to the government will be favorably received, and their propositions liberally entertained; and if they and the government can agree upon terms, Development of industries; investment of capital.

they will be permitted to engage in such avocations by contracts, grants, commissions or salaries.

ARTICLE XI.

Taxes to be reciprocal; exception.

1. It is agreed between the high contracting parties that the levy of taxes on United States citizens, as hereinbefore provided for conditionally in Article III., section 13, shall never be at a higher rate than shall be levied upon Her Majesty's subjects for the same purposes and upon like values, except the special land tax hereinbefore provided for in Article III., section 12.

Most favored nation.

2. United States citizens and protegés shall not be deprived of any privileges relinquished by this treaty unless the same restrictions be placed upon the citizens and subjects of all other foreign nations residing in Madagascar, but shall enjoy all the privileges that may be granted to the most favored nations.

3. And Her Majesty's subjects while sojourning in the United States of America shall enjoy all the privileges conceded by the United States Government to the citizens or subjects of the most favored nation.

ARTICLE XII.

Ratifications.

1. The above articles of treaty made in good faith shall be submitted to both the Government of the United States of America and Her Majesty, the Queen of Madagascar, for ratification; and such ratification be exchanged within one year from date of ratification at Antananarivo.

Alterations of treaty.

2. Should it at any future time seem desirable in the interests of either of the contracting parties to alter or add to the present treaty, such alterations or additions shall be effected with the consent of both parties.

3. Duplicate originals of this treaty, with corresponding text in the English and Malagasy languages, which shall be both of equal authority, have been signed and sealed at Antananarivo, Madagascar, on this thirteenth day of May (seventeenth of Alakaosy), one thousand eight hundred and eighty-one.

[SEAL.] W. W. ROBINSON,
United States Consul for Madagascar.

[SEAL.] RAVONINAHITRINIARIVO,
15th Honor Officer of the Palace,
Chief Secretary of State for Foreign Affairs.

In the name of Her Majesty Ranavalomanjaka, Queen of Madagascar, and by Her Royal Command and authority, We, Her Majesty's duly empowered Ambassadors Plenipotentiary hereby ratify and confirm the within treaty and every part thereof. March twelfth, 1883.

[SEAL.] RAVONINAHITRINIARIVO,
15 *Vtra O. D. P. Chief Secretary of State for Foreign Affairs*
Chief Ambassador of H. M. the Queen of Madagascar.

RAMANIRAKA,
14 *Vtra O. D. P. Member of the Privy Council, Ambassador of*
H. M. the Queen of Madagascar.

MECKLENBURG-SCHWERIN.

1847.

DECLARATION OF ACCESSION TO THE TREATY OF COMMERCE AND NAVIGATION WITH HANOVER OF 10TH JUNE, 1846.

Signed and exchanged at Schwerin December 9, 1847; *proclaimed August* 2, 1848.

DECLARATION.

Whereas a treaty of commerce and navigation between the United States of America and His Majesty the King of Hanover was concluded at Hanover on the tenth day of June, one thousand eight hundred and forty-six, by the Plenipotentiaries of the contracting parties, and was subsequently duly ratified on the part of both Governments;

And whereas, by the terms of the twelfth article of the same, the United States agree to extend all the advantages and privileges contained in the stipulations of the said treaty to one or more of the other States of the Germanic Confederation which may wish to accede to them by means of an official exchange of declarations, provided that such State or States shall confer similar favors upon the United States to those conferred by the Kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations;

And whereas the Government of His Royal Highness the Grand Duke of Mecklenburg-Schwerin has signified its desire to accede to the said treaty, and to all the stipulations and provisions therein contained, as far as the same are or may be applicable to the two countries, and to become a party thereto, and has expressed its readiness to confer similar favours upon the United States as an equivalent in all respects to those conferred by the Kingdom of Hanover;

And whereas the Government of the Grand Duchy of Mecklenburg-Schwerin, in its anxiety to avoid the possibility of a misconception hereafter of the nature and extent of the favours differing essentially from those of Hanover, which it consents to bestow upon the United States, as well as for its own faithful observance of all the provisions of the said treaty, wishes the stipulations, conditions, and obligations imposed upon it, as also those which rest upon the United States, as explicitly stated, word for word, in the English and German languages, as contained in the following articles:

ARTICLE I.

The high contracting parties agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in the vessels of the Grand

No discrimination in duties on vessels.

Duchy of Mecklenburg-Schwerin, and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel of the United States or in a vessel of Mecklenburg-Schwerin.

No discrimination in tonnage duties.

And, in like manner, whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the Grand Duchy of Mecklenburg-Schwerin, in its own vessels, may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the one party or the other.

No discrimination in duties, drawbacks, and bounties on exports and imports.

Whatever may be lawfully exported or re-exported by one party in its own vessels to any foreign country may in like manner be exported or re-exported in the vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one party or the other.

No discrimination in port charges.

Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other than are or shall be payable in the same ports by national vessels.

ARTICLE II.

Coasting trade.

The preceding article is not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own subjects or citizens.

ARTICLE III.

No discrimination in purchase of imports on account of nationality of vessels importing same.

No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent acting on their behalf or under their authority, in the purchase of any article of commerce lawfully imported on account of or in reference to the national character of the vessel, whether it be of the one party or of the other in which such article was imported.

ARTICLE IV.

Shipwrecks.

The ancient and barbarous right to wrecks of the sea shall remain entirely abolished with respect to the property belonging to the subjects or citizens of the high contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

Salvage.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

Repairs of vessels.

If the operations of repair shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees on the part which they shall reload and carry away, except such as are payable in the like case by national vessels.

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen, and kept in a place of deposite destined to

receive goods, the duties on which have not been paid the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouse.

ARTICLE V.

The privileges secured by the present treaty to the respective vessels of the high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prizes of war, or adjudged to be forfeited for a breach of the municipal laws of either of the high contracting parties, and belonging wholly to their subjects or citizens. What vessels the privileges of this treaty extend to.

It is further stipulated that vessels of the Grand Duchy of Mecklenburg-Schwerin may select their crews from any of the States of the Germanic Confederation, provided that the master of each be a subject of the Grand Duchy of Mecklenburg-Schwerin. Crews.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the Grand Duchy of Mecklenburg-Schwerin or of its fisheries, and no higher or other duties shall be imposed on the importation into the Grand Duchy of Mecklenburg-Schwerin of any articles the growth, produce, and manufacture of the United States and of their fisheries, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country or of its fisheries. Duties.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Grand Duchy of Mecklenburg-Schwerin, or in Mecklenburg-Schwerin on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the importation or exportation of any articles the growth, produce, or manufacture of the Grand Duchy of Mecklenburg-Schwerin or of its fisheries, or of the United States or their fisheries, from or to the ports of said Grand Duchy, or of the said United States, which shall not equally extend to all other Powers and States.

ARTICLE VII.

The high contracting parties engage mutually not to grant any particular favour to other nations in respect of navigation and duties of customs, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing a compensation as near as possible, if the concession was conditional. Most favored nation.

ARTICLE VIII.

In order to augment by all the means at its bestowal the commercial relations between the United States and Germany, the Grand Duchy of Mecklenburg-Schwerin agrees, subject to the reservation in article eleventh, to abolish the import duty on raw cotton and paddy, or rice in the husk, the produce of the United States; to levy no higher import duty upon leaves, stems, or strips of tobacco, imported in hogsheads or casks, than one thaler and two schillings for one hundred pounds, Hamburg weight, (equal to seventy cents United States currency and weight;) to Duty on raw cotton and rice in the husk. Import duty on leaves, &c.

lay no higher import duty upon rice imported in tierces or half tierces than twenty-five schillings for one hundred pounds, Hamburg weight, (equal to thirty-seven and a half cents United States currency and weight;) to lay no higher duty upon whale-oil, imported in casks or barrels, than twelve and a half schillings per hundred pounds, Hamburg weight, (equal to eighteen and three-quarters cents United States currency and weight.)

Transit duty.

The Grand Duchy of Mecklenburg-Schwerin further agrees to levy no higher transit duty on the aforementioned articles in their movement on the Berlin-Hamburg railroad than two schillings per hundred pounds, Hamburg weight, (equal to three cents United States currency and weight,) and to levy no transit duty on the above-mentioned articles when conveyed through the ports of the country.

It is understood, however, that nothing herein contained shall prohibit the levying of a duty sufficient for control, which in no instance shall exceed on the two articles imported duty-free or those on transit one schilling per hundred pounds, Hamburg weight, (equal to one cent and a half United States currency and weight.)

ARTICLE IX.

Liberty to appoint consuls.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favoured nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

Settlement of disputes between masters and crews.

The Consuls, Vice-Consuls, Commercial and Vice-Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessel belonging to the nation whose interests are committed to their charge without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commereial Agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

Deserters.

The said Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which

they belong or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

ARTICLE X.

The subjects and citizens of the high contracting parties shall be permitted to sojourn and reside in all parts whatsoever of the said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purpose of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Privileges of citizens of one nation in the territory of the other in business affairs.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage, themselves, their own business in all the territories subject to the jurisdiction of each party, as well in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being in all these cases to be treated as the citizens or subjects of the country in which they reside; it being nevertheless understood that they shall remain subject to the said laws and regulations also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of country to native citizens or subjects, for which purpose they may employ, in defence of their rights, such advocates, attorneys, and other agents as they may judge proper.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other by sale, donation, testament, or otherwise.

Their personal representatives, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato. They may take possession thereof, either by themselves or by others acting for them, at their will, and dispose of the same, paying such duty only as the inhabitants of the country wherein the said personal property is situated shall be subject to pay in like cases. In the case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of a property of a native in like case, until the lawful owner may take measures for receiving it.

Property of absent heirs.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situated.

Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

Heirs to real estate.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of re-

moving from the place of their domicil, shall likewise be exempt from all duties of detraction or emigration on the part of their respective Governments.

ARTICLE XI.

Duration of treaty.

The present treaty shall continue in force until the tenth of June, one thousand eight hundred and fifty-eight, and further until the end of twelve months after the Government of Mecklenburg-Schwerin on the one part, or that of the United States on the other part, shall have given notice of its intention of terminating the same, but upon the condition hereby expressly stipulated and agreed, that if the Grand Duchy of Mecklenburg-Schwerin shall deem it expedient, or find it compulsory, during the said term, to levy a duty on paddy, or rice in the husk, or augment the duties upon leaves, strips, or stems of tobacco, on whale-oil and rice, mentioned in Article VIII (eight) of the present treaty, the Government of Mecklenburg-Schwerin shall give notice of one year to the Government of the United States before proceeding to do so; and, at the expiration of that year, or any time subsequently, the Government of the United States shall have full power and right to abrogate the present treaty, by giving a previous notice of six months to the Government of Mecklenburg-Schwerin, or to continue it (at its option) in full force, until the operation thereof shall have been arrested in the manner first specified in the present article.

Now, therefore, the undersigned, L. de Lutzow, President of the Privy Council and First Minister of His Royal Highness, on the part of Mecklenburg-Schwerin, and A. Dudley Mann, Special Agent, on the part of the United States, invested with full powers to this effect, found in good and due form, have this day signed in triplicate, and have exchanged this declaration. The effect of this agreement is hereby declared to be to establish the aforesaid treaty between the high parties to this declaration as fully and perfectly, to all intents and purposes, as if all the provisions therein contained, in the manner as they are above explicitly stated, had been agreed to in a separate treaty, concluded and ratified between them in the ordinary form.

In witness whereof the above-named Plenipotentiaries have hereto affixed their names and seals.

Done at Schwerin this 9th (ninth) day of December, 1847.

[SEAL.] A. DUDLEY MANN.
[SEAL.] L. OF LUTZOW.

1853.

DECLARATION OF ACCESSION* TO THE CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE, OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, AND TO ADDITIONAL ARTICLE THERETO OF NOVEMBER 16, 1852.

Dated November 26, 1853; *proclaimed January* 6, 1854.

Whereas a treaty for the reciprocal extradition of fugitive criminals, in special cases, was concluded between Prussia and other States of the Germanic Confederation on the one hand, and the United States of North America on the other, under date of June 16th, 1852, at Washington,

* Translation.

by the Plenipotentiaries of the contracting parties, and has been ratified by the contracting Governments; and whereas, in the second article of the same, the United States of North America have declared that they agree that the stipulations of the aforesaid treaty shall be applicable to every other State of the Germanic Confederation which shall have subsequently declared its accession to the treaty: Now, therefore, in accordance therewith, the Government of His Royal Highness the Grand Duke of Mecklenburg-Schwerin hereby declares, through the undersigned Grand Ducal Minister of Foreign Affairs, its accession to the aforesaid treaty of June 16th, 1852, which is, word for word, as follows:

Extradition treaty between the United States and Germanic States acceded to.

[The original declaration here includes a copy, in German and English, of the treaty of June 16, 1852, and of the additional article thereto of November 16, 1852.]

and hereby expressly gives assurance that each and every article and stipulation of this treaty shall be faithfully observed and enforced within the territory of the Grand Duchy of Mecklenburg-Schwerin.

In testimony whereof the Grand Ducal Minister of Foreign Affairs, in the name of His Royal Highness the Grand Duke of Mecklenburg-Schwerin, has executed this declaration of accession, and caused the Ministerial seal to be thereunto affixed.

Done at Schwerin, November 26th, 1853.

[SEAL.] GR. V. BULOW,

Grand Ducal Minister of Foreign Affairs of Mecklenburg-Schwerin.

MECKLENBURG-STRELITZ.

1853.

DECLARATION OF ACCESSION* TO THE CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE, OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION.

Dated December 2, 1853; *proclaimed January* 26, 1854.

Whereas a treaty for the reciprocal extradition of fugitive criminals, in special cases, was concluded between Prussia and other States of the Germanic Confederation on the one hand, and the United States of North America on the other, under date of June 16th, 1852, at Washington, by the Plenipotentiaries of the contracting parties, and has been ratified by the contracting Governments; and whereas, in the second article of the same, the United States of North America have declared that they agree that the stipulations of the aforesaid treaty shall be applicable to every other State of the Germanic Confederation which shall have subsequently declared its accession to the treaty: Now, therefore, in accordance therewith, the Government of His Royal Highness the Grand Duke of Mecklenburg-Strelitz, hereby declares its accession to the aforesaid treaty of June 6th, 1852, which is, word for word, as follows:

Extradition treaty between the United States and Germanic States acceded to.

[The original declaration here includes a copy, in German, of the treaty of June 16, 1852.]

and hereby expressly gives assurance that each and every article and stipulation of this treaty shall be faithfully observed and enforced within the territory of the Grand Duchy of Mecklenburg-Strelitz.

In testimony whereof the undersigned Grand Ducal Minister of State, in the name of His Royal Highness the Grand Duke of Mecklenburg-Strelitz, has executed this declaration of accession, and caused the seal of the Grand Ducal Ministry of State to be thereunto affixed.

Done at Neustrelitz, the 2d day of December, 1853.

[SEAL.]

P. V. KANDORFF,
Grand Ducal Minister of State.
DRISCHOW.

* Translation.

MEXICO.

1828.*

TREATY OF LIMITS.

Concluded January 12, 1828; *ratifications exchanged at Washington April* 5, 1832; *proclaimed April* 5, 1832.

The limits of the United States of America with the bordering territories of Mexico having been fixed and designated by a solemn treaty, concluded and signed at Washington on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, between the respective Plenipotentiaries of the Government of the United States of America on the one part, and of that of Spain on the other; and whereas the said treaty having been sanctioned at a period when Mexico constituted a part of the Spanish monarchy, it is deemed necessary now to confirm the validity of the aforesaid treaty of limits, regarding it as still in force and binding between the United States of America and the United Mexican States:

With this intention, the President of the United States of America has appointed Joel Roberts Poinsett their Plenipotentiary, and the President of the United Mexican States their Excellencies Sebastian Camacho and José Ygnacio Esteva; Negotiators.

And the said Plenipotentiaries, having exchanged their full powers, have agreed upon and concluded the following articles:

ARTICLE I.

The dividing limits of the respective bordering territories of the United States of America and of the United Mexican States being the same as were agreed and fixed upon by the above-mentioned treaty of Washington, concluded and signed on the twenty-second day of February, in the year one thousand eight hundred and nineteen, the two high contracting parties will proceed forthwith to carry into full effect the third and fourth articles of said treaty, which are herein recited, as follows: Boundary.

ARTICLE II.

The boundary line between the two countries west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due Boundary line.

* See notes: "Abrogated, suspended, or obsolete treaties."

north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River, and running thence by a line due north to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude forty-two north; and thence, by that parallel of latitude, to the South Sea: the whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, one thousand eight hundred eighteen. But if the source of the Arkansas River shall be found to fall north or south of latitude forty-two, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude forty-two, and thence, along the said parallel, to the South Sea, all the islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States of America; but the use of the waters and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary on their respective banks, shall be common to the respective inhabitants of both nations.

Islands in the Sabine, &c.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line; that is to say, the United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the territories lying west and south of the above-described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line; and, for himself, his heirs, and successors, renounces all claim to the said territories forever.

ARTICLE III.

To fix this line with more precision and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude forty-two to the South Sea. They shall make out plans and keep journals of their proceedings; and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

Commissioners.

ARTICLE IV.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, within the term of four months, or sooner if possible.

Ratifications.

In witness whereof we, the respective Plenipotentiaries, have signed the same and have hereunto affixed our respective seals.

Done at Mexico this twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, in the fifty-second year of the Independence of the United States of America, and in the eighth of that of the United Mexican States.

[SEAL.] J. R. POINSETT.
[SEAL.] S. CAMACHO.
[SEAL.] J. Y. ESTEVA.

1831.

ADDITIONAL ARTICLE TO THE TREATY OF LIMITS PROVIDING FOR THE EXCHANGE OF THE RATIFICATIONS OF JANUARY 12, 1828.

Concluded April 5, 1831; *ratifications exchanged at Washington April* 5, 1832; *proclaimed April* 5, 1832.

The time having elapsed which was stipulated for the exchange of ratifications of the treaty of limits between the United States of America and the United Mexican States, signed in Mexico on the twelfth day of January, one thousand eight hundred and twenty-eight, and both Republics being desirous that it should be carried into full and complete effect, with all due solemnity, the President of the United States of America has fully empowered, on his part, Anthony Butler, a citizen thereof, and Chargé d'Affaires of the said States in Mexico; and the Vice-President of the United Mexican States, acting as President thereof, has, in like manner, fully empowered, on his part, their Excellencies Lucas Alaman, Secretary of State and Foreign Relations, and Rafael Mangino, Secretary of the Treasury; Treaty of January 12, 1828.

Who, after having exchanged their mutual powers, found to be ample and in form, have agreed, and do hereby agree, on the following article:

The ratifications of the treaty of limits concluded on the twelfth of January, one thousand eight hundred and twenty-eight, shall be exchanged at the city of Washington within the term of one year, counting from the date of this agreement, and sooner should it be possible. Ratifications.

The present additional article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid treaty of the twelfth of January, one thousand eight hundred and twenty-eight, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

In faith of which the said Plenipotentiaries have hereunto set their hands and affixed their respective seals. Done in Mexico, the fifth of April of the year one thousand eight hundred and thirty-one, the fifty-fifth of the independence of the United States of America, and the eleventh of that of the United Mexican States.

[SEAL.] A. BUTLER.
[SEAL.] LUCAS ALAMAN.
[SEAL.] RAFAEL MANGINO.

1831.*

TREATY OF AMITY, COMMERCE, AND NAVIGATION.

Concluded April 5, 1831; ratifications exchanged at Washington April 5, 1832; proclaimed April 5, 1832.

The United States of America and the United Mexican States, desiring to establish upon a firm basis the relations of friendship that so happily subsist between the two Republics, have determined to fix in a clear and positive manner the rules which shall in future be religiously observed between both, by means of a treaty of amity, commerce, and navigation. For which important object the President of the United States of America has appointed Anthony Butler, a citizen of the United States and Chargé d'Affaires of the United States of America near the United Mexican States, with full powers; and the Vice-President of the United Mexican States, in the exercise of the executive power, having conferred like full powers on His Excellency Lucas Alaman, Secretary of State for Home and Foreign Affairs, and His Excellency Rafael Mangino, Secretary of the Treasury;

Negotiators.

And the aforesaid Plenipotentiaries, after having compared and exchanged in due form their several powers as aforesaid, have agreed upon the following articles:

ARTICLE I.

There shall be a firm, inviolable, and universal peace and a true and sincere friendship between the United States of America and the United Mexican States in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

Declaration of amity.

ARTICLE II.

The United States of America and the United Mexican States, designing to take for the basis of their agreement the most perfect equality and reciprocity, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or upon the same conditions, if the concession was conditional.

Most favored nation.

ARTICLE III.

The citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their vessels and cargoes to all such places, ports, and rivers of the United States of America and of the United Mexican States, to which other foreigners are permitted to come; to enter into the same, and to remain and reside in any part of the said territories respectively; also, to hire and occupy houses and warehouses for the purposes of their commerce, and to trade therein in all sorts of produce, manufactures, and merchandise; and, generally, the merchants and traders of each nation shall enjoy the most complete protection and security for their commerce.

Entry into ports.

And they shall not pay higher or other duties, imposts, or fees whatsoever, than those which the most favored nations are or may be obliged

*See notes: "Arogated, suspended, or obsolete treaties."

to pay; and shall enjoy all the rights, privileges, and exemptions, with respect to navigation and commerce, which the citizens of the most favored nation do or may enjoy; but subject always to the laws, usages, and statutes of the two countries respectively.

The liberty to enter and discharge the vessels of both nations of which this article treats shall not be understood to authorize the coasting trade, which is permitted to national vessels only. Coasting trade.

ARTICLE IV.

No higher or other duties shall be imposed on the importation into the United Mexican States of any article, the produce, growth, or manufacture of the United States of America, than those which the same or like articles, the produce, growth, or manufacture of any other foreign country do now or may hereafter pay; nor shall articles, the produce, growth, or manufacture of the United Mexican States, be subject, on their introduction into the United States of America, to higher or other duties than those which the same or like articles of any other foreign country do now or may hereafter pay. No discriminating duties on account of nationality of imports.

Higher duties shall not be imposed in the respective States on the exportation of any article to the States of the other contracting party, than those which are now or may hereafter be paid on the exportation of the like articles to any other foreign country; nor shall any prohibition be established on the exportation or importation of any article, the produce, growth, or manufacture of the United States of America, or of the United Mexican States, respectively, in either of them, which shall not in like manner be established with respect to other foreign countries. No discrimination in export duties.

ARTICLE V.

No higher or other duties or charges on account of tonnage, light or harbour dues, pilotage, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any of the ports of Mexico on vessels of the United States of America than those payable in the same ports by Mexican vessels; nor in the ports of the United States of America on Mexican vessels than shall be payable in the same ports on vessels of the United States of America. No discrimination in tonnage dues.

ARTICLE VI.

The same duties shall be paid on the importation into the United Mexican States, of any article, the growth, produce, or manufacture of the United States of America, whether such importation shall be in Mexican vessels or in vessels of the United States of America; and the same duties shall be paid on the importation into the United States of America of any article, the growth, produce, or manufacture of Mexico, whether such importation shall be in vessels of the United States of America or in Mexican vessels. The same duties shall be paid and the same bounties and drawbacks allowed on the exportation to Mexico of any articles, the growth, produce, or manufacture of the United States of America, whether such exportation shall be in Mexican vessels or in vessels of the United States of America, and the same duties shall be paid and the same bounties and drawbacks allowed on the exportation of any articles, the growth, produce, or manufacture of Mexico to the United States of America, No discrimination in duties, drawbacks, and bounties on exports and imports.

whether such exportation shall be in vessels of the United States of America or in Mexican vessels.

ARTICLE VII.

Privileges of citizens of one nation in the territory of the other in business affairs.

All merchants, captains, or commanders of vessels, and other citizens of the United States of America, shall have full liberty in the United Mexican States to direct or manage themselves their own affairs, or to commit them to the management of whomsoever they may think proper, either as broker, factor, agent, or interpreter; nor shall they be obliged to employ for the aforesaid purposes any other persons than those employed by Mexicans, nor to pay them higher salaries or remuneration than such as are in like cases paid by Mexicans; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the prices of any goods, wares, or merchandise imported into, or exported from, the United Mexican States, as they may think proper; observing the laws, usages, and customs of the country. The citizens of Mexico shall enjoy the same privileges in the States and Territories of the United States of America, being subject to the same conditions.

ARTICLE VIII.

Embargo, detention.

The citizens of neither of the contracting parties shall be liable to any embargo; nor shall their vessels, cargoes, merchandise, or effects, be detained for any military expedition, nor for any public or private purpose whatsoever, without corresponding compensation.

ARTICLE IX.

Military service, loans and taxes.

The citizens of both countries, respectively, shall be exempt from compulsory service in the army or navy; nor shall they be subjected to any other charges, or contributions, or taxes, than such as are paid by the citizens of the States in which they reside.

ARTICLE X.

Citizens seeking refuge in harbors for certain causes.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, with the precautions which may be deemed expedient on the part of the respective Governments in order to avoid fraud, giving to them all favor and protection for repairing their vessels, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE XI.

Delivery of vessels captured by pirates.

All vessels, merchandise, or effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried into or found in the rivers, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the com-

petent tribunal; it being well understood that the claim shall be made within the term of one year, counting from the capture of said vessels or merchandise, by the parties themselves, or their attorneys, or by the agents of the respective Governments.

ARTICLE XII.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to it all the assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise and effects, with the precautions which may be deemed expedient on the part of the respective Governments, in order to avoid fraud, without exacting for it any duty, impost, or contribution whatever, until they be exported. Shipwrecks.

ARTICLE XIII.

In whatever relates to the succession of [personal] estates, either by will or ab intestato [and the rights of] disposal of such property, of whatever sort or denomination it may be, by sale, donation, exchange, or testament, or in any other manner whatsoever, the citizens of the two contracting parties shall enjoy, in their respective States and territories, the same privileges, exemptions, liberties, and rights, as native citizens; and shall not be charged, in any of these respects, with other or higher duties or imposts than those which are now or may hereafter be paid by the citizens of the Power in whose territories they may reside. Succession to personal estate.

ARTICLE XIV.

Both the contracting parties promise and engage to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in their territories, subject to the jurisdiction of the one or of the other, transient or dwelling therein; leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and the citizens of either party, or their agents, shall enjoy, in every respect, the same rights and privileges, either in prosecuting or defending their rights of person or of property, as the citizens of the country where the cause may be tried. Protection to persons and property.

ARTICLE XV.

The citizens of the United States of America residing in the United Mexican States shall enjoy in their houses, persons, and properties the protection of the Government, with the most perfect security and liberty of conscience; they shall not be disturbed or molested, in any manner, on account of their religion, so long as they respect the Constitution, the laws, and established usages of the country where they reside; and they shall also enjoy the privilege of burying the Security as to religion.

dead in places which now are, or may hereafter be assigned for that purpose; nor shall the funerals or sepulchres of the dead be disturbed in any manner, nor under any pretext.

The citizens of the United Mexican States shall enjoy, throughout all the States and Territories of the United States of America, the same protection; and shall be allowed the free exercise of their religion, in public or in private, either within their own houses, or in the chapels or places of worship set apart for that purpose.

ARTICLE XVI.

Security to vessels sailing to and from an enemy's port.

It shall be lawful for the citizens of the United States of America and of the United Mexican States, respectively, to sail with their vessels with all manner of security and liberty, no distinction being made who are the owners of the merchandise laden thereon, from any port to the places of those who now are or may hereafter be at enmity with the United States of America, or with the United Mexican States. It shall likewise be lawful for the aforesaid citizens respectively to sail with their vessels and merchandise, before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Government or under several; and it is hereby stipulated that free ships

Free ships, free goods and persons.

shall also give freedom to goods; and that everything shall be deemed free and exempt which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free vessel, so that, although they be enemies to either party, they shall not be made prisoners, or taken out of that free vessel, unless they are soldiers, and in the actual service of the enemy. By the stipulation that the flag shall cover the property, the two contracting parties agree that this shall be so understood with respect to those Powers who recognize this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

ARTICLE XVII.

Where neutral flag protects enemy's property.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall be always understood that the neutral property found on board such enemies' vessels shall be held and considered as enemies' property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that four months having elapsed after the declaration, their citizens shall not plead ignorance thereof; on the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises embarked in such enemy's vessel shall be free.

ARTICLE XVIII.

This liberty of commerce and navigation shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended; first, cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms; secondly, bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in a military form, and for a military use; thirdly, cavalry belts and horses with their furniture; fourthly, and generally, all kinds of arms, and instruments of iron, steel, brass, and copper, or of any other materials, manufactured, prepared, and formed expressly to make war by sea or land. Contraband goods.

ARTICLE XIX.

All other merchandise and things not comprehended in the articles of contraband expressly enumerated and classified as above, shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in that particular, it is declared that those places only are besieged or blockaded which are actually besieged or blockaded by a belligerent force capable of preventing the entry of the neutral. Blockade.

ARTICLE XX.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the vessel, that the owners may dispose of them as they see proper. No vessels of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing vessel without great inconvenience; but in this, and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law. Contraband liable to confiscation.

ARTICLE XXI.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so situated may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading force, she should again attempt to enter the aforesaid port; but she shall be permitted to go to any other port or place she may think proper. Nor shall any vessel of either of the contracting parties that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place Notice of blockade. Free egress.

with her cargo; nor if found therein after the surrender shall such vessel or her cargo be liable to confiscation, but she shall be restored to the owner thereof.

ARTICLE XXII.

Examination of vessels at sea.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that, whenever a vessel of war, public or private, should meet with a neutral vessel of the other contracting party, the first shall remain out of cannon shot, and may send his boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed vessels shall be responsible with their persons and property; and for this purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatsoever.

ARTICLE XXIII.

Sea-letters.

To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the vessel, and also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the citizens of one of the contracting parties; they have likewise agreed that such vessels being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo and the place whence the vessel sailed, so that it may be known whether any forbidden or contraband goods be on board the same, which certificate shall be made out by the officers of the place whence the vessel sailed, in the accustomed form; without which requisites the said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent to the satisfaction of the competent tribunal.

ARTICLE XXIV.

Vessels under convoy.

It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels are under convoy, the verbal declaration of the commander of the convoy, or his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port that they have no contraband goods on board, shall be sufficient.

ARTICLE XXV.

Prize courts.

It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel,

or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reason or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, in conformity with the laws and usages of the country, and of all the proceedings of the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXVI.

For the greater security of the intercourse between the citizens of the United States of America and of the United Mexican States, it is agreed, now for then, that if there should be at any time hereafter an interruption of the friendly relations which now exist, or a war unhappily break out between the two contracting parties, there shall be allowed the term of six months to the merchants residing on the coast, and one year to those residing in the interior of the States and territories of each other respectively, to arrange their business, dispose of their effects, or transport them wheresoever they may please, giving them a safe-conduct to protect them to the port they may designate. Those citizens who may be established in the States and territories aforesaid, exercising any other occupation or trade, shall be permitted to remain in the uninterrupted enjoyment of their liberty and property, so long as they conduct themselves peaceably, and do not commit any offence against the laws; and their goods and effects, of whatever class and condition they may be, shall not be subject to any embargo or sequestration whatever, nor to any charge nor tax other than may be established upon similar goods and effects belonging to the citizens of the State in which they reside respectively; nor shall the debts between individuals, nor moneys in the public funds, or in public or private banks, nor shares in companies, be confiscated, embargoed, or detained.

In the event of war between the parties.

ARTICLE XXVII.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree to grant to the Envoys, Ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nation do or may enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the United Mexican States may find proper to give to the Ministers and public agents of any other Power, shall by the same act be extended to those of each of the contracting parties.

Ministers and public agents.

ARTICLE XXVIII.*

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their character, they shall, before entering upon the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants of the consular district in which they reside. It is agreed likewise to receive and admit Consuls and Vice-Consuls in all the ports and places open to foreign commerce, who shall enjoy therein all the rights, prerogatives, and

Consuls.

* This article was abrogated by the 2d article of the treaty of December 30, 1853.

immunities of the Consuls and Vice-Consuls of the most favored nation, each of the contracting parties remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem expedient.

ARTICLE XXIX.

Rights of consuls.

It is likewise agreed that the Consuls, Vice-Consuls, their secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all compulsory public service, and also from all kinds of taxes, imposts, and contributions levied especially on them, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in everything besides subject to the laws of their respective States.

Consular archives.

The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXX.

Deserters.

The said Consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose, they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the register of the vessel, or ship's roll, or other public documents, that the man or men demanded were part of said crews; and on this demand so proved, (saving always where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the vessels to which they belong, or to others of the same nation. But, if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

ARTICLE XXXI.

Consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXII.

Interior commerce.

For the purpose of regulating the interior commerce between the frontier territories of both Republics, it is agreed that the Executive of each shall have power, by mutual agreement, of determining on the route and establishing the roads by which such commerce shall be conducted; and in all cases where the caravans employed in such commerce may require convoy and protection by military escort, the Supreme Executive of each nation shall, by mutual agreement, in like manner, fix on the period of departure for such cara-

vans, and the point at which the military escort of the two nations shall be exchanged. And it is further agreed, that, until the regulations for governing this interior commerce between the two nations shall be established, the commercial intercourse between the State of Missouri of the United States of America, and New Mexico in the United Mexican States, shall be conducted as heretofore, each Government affording the necessary protection to the citizens of the other.

ARTICLE XXXIII.

It is likewise agreed that the two contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries; and the better to attain this object, both parties bind themselves expressly to restrain, by force, all hostilities and incursions on the part of the Indian nations living within their respective boundaries: so that the United States of America will not suffer their Indians to attack the citizens of the United Mexican States, nor the Indians inhabiting their territory; nor will the United Mexican States permit the Indians residing within their territories to commit hostilities against the citizens of the United States of America, nor against the Indians residing within the limits of the United States, in any manner whatever. Indian hostilities.

And in the event of any person or persons, captured by the Indians who inhabit the territory of either of the contracting parties, being or having been carried into the territories of the other, both Governments engage and bind themselves in the most solemn manner to return them to their country as soon as they know of their being within their respective territories, or to deliver them up to the agent or representative of the Government that claims them, giving to each other, reciprocally, timely notice, and the claimant paying the expenses incurred in the transmission and maintenance of such person or persons, who, in the mean time, shall be treated with the utmost hospitality by the local authorities of the place where they may be. Nor shall it be lawful, under any pretext whatever, for the citizens of either of the contracting parties to purchase or hold captive prisoners made by the Indians inhabiting the territories of the other. Prisoners made by Indians.

ARTICLE XXXIV.

The United States of America and the United Mexican States, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this treaty or general convention of amity, commerce, and navigation, have declared solemnly, and do agree to the following points:

First. The present treaty shall remain and be in force for eight years from the day of the exchange of the ratifications, and until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of eight years. And it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either of the parties from the other party, this treaty, in all its parts, relating to commerce and navigation, shall altogether cease and determine, and in all those Duration of treaty.

parts which relate to peace and friendship, it shall be permanently and perpetually binding on both the contracting parties.

Secondly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same; and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Demand of satisfaction to precede hostilities.

Thirdly. If (what indeed cannot be expected) any of the articles contained in the present treaty shall be violated or infracted in any manner whatever, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

Fourthly. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other Sovereigns or States.

Ratifications.

The present treaty of amity, commerce, and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Vice-President of the United Mexican States, with the consent and approbation of the Congress thereof; and the ratifications shall be exchanged in the city of Washington, within the term of one year, to be counted from the date of the signature hereof, or sooner if possible.

In witness whereof we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents. Done in the city of Mexico on the fifth day of April, in the year of our Lord one thousand eight hundred and thirty-one, in the fifty-fifth year of the Independence of the United States of America, and in the eleventh of that of the United Mexican States.

[SEAL.] A. BUTLER.
[SEAL.] LUCAS ALAMAN.
[SEAL.] RAFAEL MANGINO.

ADDITIONAL ARTICLE.

Fifth and sixth articles suspended.

Whereas, in the present state of the Mexican shipping, it would not be possible for Mexico to receive the full advantage of the reciprocity established in the fifth and sixth articles of the treaty signed this day, it is agreed that for the term of six years, the stipulations contained in the said articles shall be suspended; and in lieu thereof, it is hereby agreed, that, until the expiration of the said term of six years, American vessels entering into the ports of Mexico, and all articles the produce, growth, or manufacture of the United States of America, imported in such vessels, shall pay no other or higher duties than are or may hereafter be payable in the said ports by the vessels and the like articles the growth, produce, or manufacture of the most favored nation; and, reciprocally, it is agreed that Mexican vessels entering into the ports of the United States of America, and all articles the growth, produce, or manufacture of the United Mexican States, imported in such vessels, shall pay no other or higher duties

Substitute.

than are, or may hereafter be, payable in the said ports by the vessels and the like articles the growth, produce, or manufacture of the most favored nation; and that no higher duties shall be paid, or bounties or drawbacks allowed, on the exportation of any article the growth, produce, or manufacture of either country, in the vessels of the other, than upon the exportation of the like articles in the vessels of any other foreign country.

The present additional article shall have the same force and value as if it had been inserted, word for word, in the treaty signed this day. It shall be ratified, and the ratification [shall be] exchanged at the same time.

In witness whereof we, the respective Plenipotentiaries, have signed and sealed the same.

Done at Mexico on the fifth day of April, one thousand eight hundred and thirty-one.

[SEAL.] A. BUTLER.
[SEAL.] LUCAS ALAMAN.
[SEAL.] RAFAEL MANGINO.

1835.*

SECOND ADDITIONAL ARTICLE TO TREATY OF LIMITS OF JANUARY 12, 1828.

Concluded April 3, 1835; ratifications exchanged at Washington April 20, 1836; proclaimed April 21, 1836.

A treaty having been concluded and signed in the city of Mexico, on the 12th day of January, 1828, between the United States of America and the Mexican United States, for the purpose of establishing the true dividing line and boundary between the two nations, the 3d article of which treaty is as follows: "To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty at Natchitoches, on the Red River, and proceed to run and mark said line from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of said river Arkansas, in conformity to what is agreed upon and stipulated, and the line of latitude 42 to the South Sea. They shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts should such be deemed necessary:" And the ratifications of said treaty having been exchanged in the city of Washington, on the 5th day of April, in the year of 1832, but from various causes the contracting parties have been unable to perform the stipulations contained in the above mentioned 3d article, and the period within which the said stipulations could have been executed has elapsed; and both Republics being desirous that the said treaty should be car-

* See notes: "Abrogated, suspended, or obsolete treaties."

ried into effect with all due solemnity, the President of the United States of America has for that purpose fully empowered on his part Anthony Butler, a citizen thereof and Chargé d'Affaires of said States in Mexico, and the acting President of the United Mexican States having in like manner fully empowered on his part their Excellencies José Maria Gutierrez de Estrada, Secretary of State for Home and Foreign Affairs, and José Mariano Blasco, Secretary of the Treasury; and the said Plenipotentiaries, after having mutually exchanged their full powers, found to be ample and in form, they have agreed and do hereby agree to the following second additional article to the said treaty:

Negotiators.

Within the space of one year, to be estimated from the date of the exchange of the ratifications of this said additional article, there shall be appointed by the Government of the United States of America and of the Mexican United States, each a commissioner and surveyor, for the purpose of fixing with more precision the dividing-line, and for establishing the landmarks of boundary and limits between the two nations, with the exactness stipulated by the 3d article of the Treaty of Limits, concluded and signed in Mexico on the 12th day of January, 1828, and the ratifications of which were exchanged in Washington city on the 5th day of April, 1832. And the present additional article shall have the same force and effect as if it had been inserted word for word in the above-mentioned treaty of the 12th of January, 1828, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

Commissioners and surveyors.

In faith of which the said Plenipotentiaries have hereunto set their hands and affixed their respective seals.

Done in the city of Mexico on the third day of April, in the year of our Lord one thousand eight hundred and thirty-five, in the fifty-ninth year of the independence of the United States of America, and of the fifteenth of that of the United Mexican States.

[SEAL.] A. BUTLER.
[SEAL.] J. M. GUTIERREZ DE ESTRADA.
[SEAL.] JOSÉ MARIANO BLASCO.

1839.

CONVENTION FOR THE ADJUSTMENT OF CLAIMS OF CITIZENS OF THE UNITED STATES AGAINST MEXICO.

Concluded April 11, 1839; *ratifications exchanged at Washington April* 7, 1840; *proclaimed April* 8, 1840.

Whereas a convention for the adjustment of claims of citizens of the United States upon the Government of the Mexican Republic was concluded and signed at Washington on the 10th day of September, 1838, which convention was not ratified on the part of the Mexican Government, on the alleged ground that the consent of His Majesty the King of Prussia to provide an arbitrator to act in the case provided by said convention could not be obtained;

And whereas the parties to said convention are still, and equally, desirous of terminating the discussions which have taken place between them in respect to said claims, arising from injuries to the persons and

property of citizens of the United States by Mexican authorities, in a manner equally advantageous to the citizens of the United States, by whom said injuries have been sustained, and more convenient to Mexico than that provided by said convention:

The President of the United States has named for this purpose, and furnished with full powers, John Forsyth, Secretary of State of the said United States; and the President of the Mexican Republic has named His Excellency Señor Don Francisco Pizarro Martinez, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States, and has furnished him with full powers for the same purpose; Negotiators.

And the said Plenipotentiaries have agreed upon and concluded the following articles:

ARTICLE I.

It is agreed that all claims of citizens of the United States upon the Mexican Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State or to the diplomatic agent of the United States at Mexico until the signature of this convention, shall be referred to four commissioners, who shall form a board, and be appointed in the following manner, namely: two commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, and two commissioners by the President of the Mexican Republic. The said commissioners, so appointed, shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of the United States and the Mexican Republic respectively. Claims to be referred to a board of four commissioners.

ARTICLE II.

The said board shall have two secretaries, versed in the English and Spanish languages; one to be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, and the other by the President of the Mexican Republic. And the said Secretaries shall be sworn faithfully to discharge their duty in that capacity. Secretaries.

ARTICLE III.

The said board shall meet in the city of Washington within three months after the exchange of the ratifications of this convention, and within eighteen months from the time of its meeting shall terminate its duties. The Secretary of State of the United States shall, immediately after the exchange of the ratifications of this convention, give notice of the time of the meeting of the said board, to be published in two newspapers in Washington, and in such other papers as he may think proper. Meeting.

ARTICLE IV.

All documents which now are in, or hereafter, during the continuance of the commission constituted by this convention, may come into the possession of the Department of State of the United States, in relation to the aforesaid claims, shall be delivered to the board. The Mexican Government shall furnish all such documents and explanations as may be in their possession, for the adjustment of the Documents to be delivered.

said claims according to the principles of justice, the law of nations, and the stipulations of the treaty of amity and commerce between the United States and Mexico of the 5th of April, 1831; the said documents to be specified when demanded at the instance of the said commissioners.

ARTICLE V.

The commissioners to decide on the justice of claims.

The said commissioners shall, by a report under their hands and seals, decide upon the justice of the said claims and the amount of compensation, if any, due from the Mexican Government in each case.

ARTICLE VI.

Mexico to issue Treasury notes for the amount found due.

It is agreed that if it should not be convenient for the Mexican Government to pay at once the amount so found due, it shall be at liberty, immediately after the decisions in the several cases shall have taken place, to issue Treasury notes, receivable at the maritime custom-houses of the Republic in payment of any duties which may be due or imposed at said custom-houses upon goods entered for importation or exportation; said Treasury notes to bear interest at the rate of eight per centum per annum from the date of the award on the claim in payment of which said Treasury notes shall have been issued until that of their receipt at the Mexican custom-houses. But as the presentation and receipt of said Treasury notes at said custom-houses in large amounts might be inconvenient to the Mexican Government, it is further agreed that, in such case, the obligation of said Government to receive them in payment of duties, as above stated, may be limited to one-half the amount of said duties.

ARTICLE VII.

In case of the commissioners differing

It is further agreed that in the event of the commissioners differing in relation to the aforesaid claims, they shall, jointly or severally, draw up a report, stating, in detail, the points on which they differ, and the grounds upon which their respective opinions have been formed. And it is agreed that the said report or reports, with authenticated copies of all documents upon which they may be founded, shall be referred to the decision of His Majesty the King of Prussia. But as the documents relating to the aforesaid claims are so voluminous that it cannot be expected His Prussian Majesty would be willing or able personally to investigate them, it is agreed that he shall appoint a person to act as an arbiter in his behalf; that the person so appointed shall proceed to Washington; that his travelling expenses to that city and from thence on his return to his place of residence in Prussia, shall be defrayed, one-half by the United States and one-half by the Mexican Republic; and that he shall receive as a compensation for his services a sum equal to one-half the compensation that may be allowed by the United States to one of the commissioners to be appointed by them, added to one-half the compensation that may be allowed by the Mexican Government to one of the commissioners to be appointed by it. And the compensation of such arbiter shall be paid, one-half by the United States and one-half by the Mexican Government.

ARTICLE VIII.

Immediately after the signature of this convention, the Plenipotentiaries of the contracting parties (both being thereunto competently authorized) shall, by a joint note, addressed to the Minister for Foreign Affairs of His Majesty the King of Prussia, to be delivered by the Minister of the United States at Berlin, invite the said monarch to appoint an umpire to act in his behalf in the manner above mentioned, in case this convention shall be ratified respectively by the Governments of the United States and Mexico. Umpire.

ARTICLE IX.

It is agreed that, in the event of His Prussian Majesty's declining to appoint an umpire to act in his behalf, as aforesaid, the contracting parties, on being informed thereof, shall, without delay, invite Her Britannic Majesty, and in case of her declining, His Majesty the King of the Netherlands, to appoint an umpire to act in their behalf, respectively, as above provided.

ARTICLE X.

And the contracting parties further engage to consider the decision of such umpire to be final and conclusive on all the matters so referred. Decision of the umpire.

ARTICLE XI.

For any sums of money which the umpire shall find due to citizens of the United States by the Mexican Government, Treasury notes shall be issued in the manner aforementioned. Treasury notes to be issued.

ARTICLE XII.

And the United States agree forever to exonerate the Mexican Government from any further accountability for claims which shall either be rejected by the board or the arbiter aforesaid, or which, being allowed by either, shall be provided for by the said Government in the manner before mentioned. Mexico exonerated from certain claims.

ARTICLE XIII.

And it is agreed that each Government shall provide compensation for the commissioners and secretary to be appointed by it; and that the contingent expenses of the board shall be defrayed, one moiety by the United States and one moiety by the Mexican Republic. Expenses

ARTICLE XIV.

This convention shall be ratified, and the ratifications shall be exchanged at Washington within twelve months from the signature hereof, or sooner if possible. Ratifications.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Mexican Republic, have signed and sealed these presents.

Done in the city of Washington on the eleventh day of April, in the year of our Lord one thousand eight hundred and thirty-nine, in the sixty-third year of the Independence of the United States of America, and the nineteenth of that of the Mexican Republic.

[SEAL.] JOHN FORSYTH.

[SEAL.] FRAN. PIZARRO MARTINEZ.

1843.

CONVENTION FURTHER PROVIDING FOR PAYMENT OF AWARDS TO CLAIMANTS UNDER THE CONVENTION OF APRIL 11, 1839.

Concluded January 30, 1843; ratifications exchanged at Washington March 29, 1843; proclaimed March 30, 1843.

Whereas, by the convention between the United States and the Mexican Republic, of the 11th April, 1839, it is stipulated that, if it should not be convenient to the Mexican Government to pay at once the sums found to be due to the claimants under that convention, that Government shall be at liberty to issue Treasury notes in satisfaction of those sums; and whereas the Government of Mexico [is] anxious to comply with the terms of said convention, and to pay those awards in full, but finds it inconvenient either to pay them in money or to issue the said Treasury notes: The President of the United States has, for the purpose of carrying into full effect the intentions of the said parties, conferred full powers on Waddy Thompson, Envoy Extraordinary and Minister of the United States to the Mexican Government, and the President of the Mexican Republic has conferred full powers on their Excellencies José Maria de Bocanegra, Minister of Foreign Relations, and Manuel Eduardo de Gorostiza, Minister of Finance. And the said Plenipotentiaries, after having exchanged their full powers, found to be indue form, have agreed to and concluded the following articles:

Negotiators.

ARTICLE I.

On the 30th day of April, 1843, the Mexican Government shall pay all the interest which may then be due on the awards in favor of claimants under the convention of the 11th of April, 1839, in gold or silver money, in the city of Mexico.

Mexico to pay all interest due.

ARTICLE II.

The principal of the said awards, and the interest accruing thereon, shall be paid in five years, in equal instalments every three months, the said term of five years to commence on the 30th day of April, 1843, aforesaid.

Principal and interest to be paid in five years.

ARTICLE III.

The payments aforesaid shall be made in the city of Mexico to such person as the United States may authorize to receive them, in gold or silver money. But no circulation, export, nor other duties shall be charged thereon; and the Mexican Government takes the risk, charges, and expenses of the transportation of the money to the city of Vera Cruz.

Payments to be made in the city of Mexico, in gold or silver.

ARTICLE IV.

The Mexican Government hereby solemnly pledges the proceeds of the direct taxes of the Mexican Republic for the payment of the instalments and interest aforesaid, but it is understood that whilst no other fund is thus specifically hypothecated, the Government of the United States, by accepting this pledge, does not incur any obligation to look for payment of those instalments and interest to that fund alone.

Mexico pledges the proceeds of direct taxes.

ARTICLE V.

As this new arrangement, which is entered into for the accommodation of Mexico, will involve additional charges of freight, commission, &c., the Government of Mexico hereby agrees to add two and a half per centum on each of the aforesaid payments on account of said charges.

Mexico to pay two and a half per centum on each payment to cover charges.

ARTICLE VI.

A new convention shall be entered into for the settlement of all claims of the Government and citizens of the United States against the Republic of Mexico, which were not finally decided by the late commission which met in the city of Washington, and of all claims of the Government and citizens of Mexico against the United States.

New convention to be entered into for the settlement of all claims on Mexico.

ARTICLE VII.

The ratifications of this convention shall be exchanged at Washington within three months after the date thereof, provided it shall arrive at Washington before the adjournment of the present session of Congress; and if not, then within one month after the meeting of the next Congress of the United States.

Ratifications.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Mexican Republic, have signed and sealed these presents.

Done at the city of Mexico on the thirtieth day of January, in the year of our Lord one thousand eight hundred and forty-three, and in the sixty-seventh year of the Independence of the United States of America, and in the twenty-third year of that of the Mexican Republic.

[SEAL.] WADDY THOMPSON.
[SEAL.] J. MA. DE BOCANEGRA.
[SEAL.] M. E. DE GOROSTIZA.

1848.

TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT.

Concluded February 2, 1848; *ratifications exchanged at Queretaro, May* 30, 1848; *proclaimed July* 4, 1848.

In the name of Almighty God:

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two peoples should live, as good neighbours, have for that purpose appointed their respective plenipotentiaries, that is to say:

The President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said Republic;

Negotiators.

Who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following

Treaty of Peace, Friendship, Limits, and Settlement between the United States of America and the Mexican Republic.

ARTICLE I.

Declaration of amity.

There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ARTICLE II.

Convention to be entered into for the provisional suspension of hostilities.

Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the General-in-chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ARTICLE III.

Upon ratification of this treaty, blockade of the Mexican ports to cease.

Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the Government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing

Troops of the United States to be withdrawn.

all troops of the United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay; the Mexican Government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner orders shall be dispatched to the persons in charge of the custom-houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this treaty by the Government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the city of Mexico, within three months after the exchange of ratifications.

Custom-houses.

The evacuation of the capital of the Mexican Republic by the troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible. Evacuation of the capital of Mexico.

ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following article, shall be definitively restored to the said Republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the Government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulation, as regards the restoration of artillery, apparatus of war, &c. All castles and forts to be restored.

The final evacuation of the territory of the Mexican Republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican Government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants. Final evacuation of Mexican territory.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the General-in-chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places, at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the Government of the said United States will exact the release of such captives, and cause them to be restored to their country. Prisoners of war to be restored.

ARTICLE V.*

The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than Boundary line.

* This article was amended by Article 1 of the treaty of December 30, 1853.

one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

Southern and western limits of New Mexico.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "*Map of the United Mexican States, as organized and defined by various acts of the Congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in* 1847, *by J. Disturnell;*" of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners Sutil and Mexicana; of which plan a copy is hereunto added, signed and sealed by the respective Plenipotentiaries.

A commissioner and surveyor to be appointed to run and mark the boundary lines.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

Boundary line to be religiously respected.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own constitution.

ARTICLE VI.*

Free passage by the Gulf of California and river Colorado to vessels of the United States.

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood

* This article was amended by Article 4 of the treaty of December 30, 1853.

that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the Governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

Construction of a road, canal, or railway to run on the banks of the river Gila.

ARTICLE VII.*

The river Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

Navigation of rivers Gila and Rio Bravo below the boundary line.

Navigation of said rivers not to be obstructed, and no tax to be levied on vessels or persons navigating the same or merchandise without the consent of both Governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Mexicans established in territories ceded to the United States.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with

Property to be inviolably respected.

* This article was amended by article 4 of the treaty of December 30, 1853.

respect to it guarantees equally ample as if the same belonged to citizens of the United States.

ARTICLE IX.

How Mexicans remaining in the ceded territories may become citizens of the United States.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ARTICLE X.

[Stricken out.]

ARTICLE XI.*

Incursions of savage tribes into the territory of Mexico.

Considering that a great part of the territories, which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics; nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

Persons captured in Mexican territory and carried into the territory of the United States.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the Government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican authorities will, as far as practicable, give to the Government of the United States notice of such captures; and its agents shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the mean time, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the Government of the United States, before receiving such notice from

* This article was abrogated by the 2d article of the treaty of December 30, 1853.

Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent, as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And, finally, the sacredness of this obligation shall never be lost sight of by the said Government, when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but, on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

Government of the United States to pass such laws as may be necessary to give effect to the foregoing stipulations.

ARTICLE XII.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.

Immediately after this treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said Government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican Government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

Amount of money to be paid to Mexico.

How the same shall be paid.

ARTICLE XIII.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three; so that the Mexican Republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

The United States also to assume and pay the amounts due.

ARTICLE XIV.

The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners

Mexican Government discharged from all claims of citizens of the United States.

provided for in the following article, and whatever shall be the total amount of those allowed.

ARTICLE XV.

The United States to make satisfaction for the same, not exceeding three and a quarter millions of dollars.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one-quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive; provided that, in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favour of any claim not embraced by these principles and rules.

Board of commissioners to be established.

How books, records, and documents in the possession of the Government of Mexico necessary to the decision of any claim are to be obtained from that Government.

If, in the opinion of the said board of commissioners or of the claimants, any books, records, or documents, in the possession or power of the Government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican Government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same,) to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners; provided that no such application shall be made by or at the instance of any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

ARTICLE XVI.

Each party reserves the right to fortify any part of its territory.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify for its security.

ARTICLE XVII.

Treaty of 5th April, 1831, between the United States and Mexico, with certain exceptions, revived.

The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

But may be terminated by either party's giving one year's notice.

ARTICLE XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the Government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation, which they may know of, or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

Supplies for the troops of the United States arriving in Mexico previous to the evacuation to be exempt from duty.

ARTICLE XIX.

With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

Rules to be observed with respect to merchandise imported into Mexican ports.

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property, described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject

to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property, described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house at such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty, or contribution upon any such importation, or in any manner to account for the same to the said authorities.

ARTICLE XX.

The tariff established by the United States at places occupied by their forces in Mexico to be in force for sixty days.

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

ARTICLE XXI.

In case of disagreement, pacific negotiations to be used.

If unhappily any disagreement should hereafter arise between the Governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said Governments, in the name of those nations, do promise to each other that they will endeavour, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves, using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighbourship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

ARTICLE XXII.

Rules to be observed in case of war.

If (which is not to be expected, and which God forbid) war should unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world to observe the following rules;

absolutely where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:

1. The merchants of either republic then residing in the other shall be allowed to remain twelve months, (for those dwelling in the interior,) and six months, (for those dwelling at the seaports,) to collect their debts and settle their affairs; during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance, conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished, by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance

due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

The solemn covenant herein entered into not to be annulled on the pretence that war dissolves all treaties.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and, during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ARTICLE XXIII.

Ratifications.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its general Congress; and the ratifications shall be exchanged in the city of Washington, or at the seat of Government of Mexico, in four months from the date of the signature hereof, or sooner if practicable.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement, and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

[SEAL.] N. P. TRIST.
[SEAL.] LUIS G. CUEVAS.
[SEAL.] BERNARDO COUTO.
[SEAL.] MIGL. ATRISTAIN.

PROTOCOL.

In the city of Queretaro, on the twenty-sixth of the month of May, eighteen hundred and forty-eight, at a conference between their excellencies Nathan Clifford and Ambrose H. Sevier, Commissioners of the U. S. of A., with full powers from their Government to make to the Mexican Republic suitable explanations in regard to the amendments which the Senate and Government of the said United States have made in the treaty of peace, friendship, limits, and definitive settlement between the two Republics, signed in Guadalupe Hidalgo, on the second day of February of the present year; and His Excellency Don Luis de la Rosa, Minister of Foreign Affairs of the Republic of Mexico; it was agreed, after adequate conversation, respecting the changes alluded to, to record in the present protocol the following explanations, which their aforesaid excellencies the Commissioners gave in the name of their Government and in fulfillment of the commission conferred upon them near the Mexican Republic:

1st. The American Government by suppressing the IXth article of the treaty of Guadalupe Hidalgo and substituting the IIId article of

the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article IXth in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the 3d article of the treaty of Louisiana. In consequence all the privileges and guarantees, civil, political, and religious, which would have been possessed by the inhabitants of the ceded territories, if the IXth article of the treaty had been retained, will be enjoyed by them, without any difference, under the article which has been substituted.

2d. The American Government by suppressing the Xth article of the treaty of Guadalupe did not in any way intend to annul the grants of lands made by Mexico in the ceded territories. These grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess, and the grantees may cause their legitimate [titles] to be acknowledged before the American tribunals.

Conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories are those which were legitimate titles under the Mexican law in California and New Mexico up to the 13th of May, 1846, and in Texas up to the 2d March, 1836.

3d. The Government of the United States, by suppressing the concluding paragraph of article XIIth of the treaty, did not intend to deprive the Mexican Republic of the free and unrestrained faculty of ceding, conveying, or transferring at any time (as it may judge best) the sum of the twelve millions of dollars which the same Government of the U. States is to deliver in the places designated by the amended article.

And these explanations having been accepted by the Minister of Foreign Affairs of the Mexican Republic, he declared, in name of his Government, that with the understanding conveyed by them the same Government would proceed to ratify the treaty of Guadalupe, as modified by the Senate and Government of the U. States. In testimony of which, their Excellencies, the aforesaid Commissioners and the Minister have signed and sealed, in quintuplicate, the present protocol.

[SEAL.] A. H. SEVIER.
[SEAL.] NATHAN CLIFFORD.
[SEAL.] LUIS DE LA ROSA.

ARTICLES REFERRED TO IN THE FIFTEENTH ARTICLE OF THE PRECEDING TREATY.

First and fifth articles of the unratified convention between the United States and the Mexican Republic of the 20th November, 1843.

ARTICLE I.

All claims of citizens of the Mexican Republic against the Government of the United States which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the Government of the Mexican Republic, which, for whatever cause, were not submitted to, nor considered, nor finally decided by, the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: Two commissioners shall be appointed by the President of the Mexican

Republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two republics.

ARTICLE V.

All claims of citizens of the United States against the Government of the Mexican Republic, which were considered by the commissioners, and referred to the umpire appointed under the convention of the eleventh April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

1853.

TREATY RELATIVE TO BOUNDARY, TRANSIT OF PERSONS, &c., ACROSS THE ISTHMUS OF TEHUANTEPEC.

Concluded December 30, 1853; *ratifications exchanged at Washington June* 30, 1854; *proclaimed June* 30, 1854.

In the name of Almighty God.

The Republic of Mexico and the United States of America, desiring to remove every cause of disagreement which might interfere in any manner with the better friendship and intercourse between the two countries, and especially in respect to the true limits which should be established, when, notwithstanding what was covenanted in the treaty of Guadalupe Hidalgo in the year 1848, opposite interpretations have been urged, which might give occasion to questions of serious moment: To avoid these, and to strengthen and more firmly maintain the peace which happily prevails between the two republics, the President of the United States has, for this purpose, appointed James Gadsden, Envoy Extraordinary and Minister Plenipotentiary of the same near the Mexican Government, and the President of Mexico has appointed as Plenipotentiary "*ad hoc*" his excellency Don Manuel Diez de Bonilla, cavalier grand cross of the national and distinguished order of Guadalupe, and Secretary of State and of the office of Foreign Relations, and Don José Salazar Ylarregui and General Mariano Monterde, as scientific commissioners, invested with full powers for this negotiation; who, having communicated their respective full powers, and finding them in due and proper form, have agreed upon the articles following:

Negotiators.

ARTICLE I.

The Mexican Republic agrees to designate the following as her true limits with the United States for the future: Retaining the same dividing line between the two Californias as already defined and established, according to the 5th article of the treaty of Guadalupe Hidalgo, the limits between the two republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land,

Boundary between Mexico and the United States.

opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31° 47′ north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of 31° 20′ north latitude; thence along the said parallel of 31° 20′ to the 111th meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado Rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

For the performance of this portion of the treaty, each of the two Governments shall nominate one commissioner, to the end that, by common consent, the two thus nominated, having met in the city of Paso del Norte, three months after the exchange of the ratifications of this treaty, may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the mixed commission, according to the treaty of Guadalupe, keeping a journal and making proper plans of their operations. For this purpose, if they should judge it it necessary, the contracting parties shall be at liberty each to unite to its respective commissioner scientific or other assistants, such as astronomers and surveyors, whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two republics; that line shall be alone established upon which the commissioners may fix, their consent in this particular being considered decisive and an integral part of this treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the parties contracting.

Lines to be surveyed and marked.

The dividing line thus established shall, in all time, be faithfully respected by the two Governments, without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations, and in accordance with the constitution of each country, respectively.

In consequence, the stipulation in the 5th article of the treaty of Guadalupe upon the boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

ARTICLE II.

The Government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the treaty of amity, commerce, and navigation between the United States of America and the United Mexican States, concluded at Mexico on the fifth day of April, 1831, are hereby abrogated.

Release of the obligations of Art. XI, of the treaty of Guadalupe Hidalgo.

ARTICLE III.

In consideration of the foregoing stipulations, the Government of the United States agrees to pay to the Government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

Mexico to be paid ten million dollars.

ARTICLE IV.

Articles VI and VII of the treaty of Guadalupe Hidalgo annulled.

The provisions of the 6th and 7th articles of the treaty of Guadalupe Hidalgo having been rendered nugatory for the most part by the cession of territory granted in the first article of this treaty, the said articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor. The vessels and citizens of the United States shall, in all time, have free and uninterrupted passage through the Gulf of California, to and from their possessions situated north of the boundary line of the two countries. It being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land without the express consent of the Mexican Government; and precisely the same provisions, stipulations, and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced, by the two contracting Governments, in reference to the Rio Colorado, so far and for such distance as the middle of that river is made their common boundary line by the first article of this treaty.

Free passage through the Gulf of California.

How far Art. VII of treaty of Guadalupe Hidalgo is to apply to the Rio Bravo del Norte.

The several provisions, stipulations, and restrictions contained in the 7th article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte, below the initial of the said boundary provided in the first article of this treaty; that is to say, below the intersection of the 31° 47′ 30″ parallel of latitude, with the boundary line established by the late treaty dividing said river from its mouth upwards, according to the 5th article of the treaty of Guadalupe.

ARTICLE V.

Articles VIII, IX, XVI, and XVII of the treaty of Guadalupe Hidalgo to apply to the country hereby ceded.

All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo, shall apply to the territory ceded by the Mexican Republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth.

ARTICLE VI.

Grants of land by Mexico, after September 25, 1853, not to be valid.

No grants of land within the terrritory ceded by the first article of this treaty bearing date subsequent to the day—twenty-fifth of September—when the Minister and subscriber to this treaty on the part of the United States proposed to the Government of Mexico to terminate the question of boundary, will be considered valid or be recognized by the United States, or will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

ARTICLE VII.

Provision in case of difficulties arising between the two nations.

Should there at any future period (which God forbid) occur any disagreement between the two nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner not succeed, never will they proceed to a declaration of war without

having previously paid attention to what has been set forth in article 21 of the treaty of Guadalupe for similar cases; which article, as well as the 22d, is here re-affirmed.

ARTICLE VIII.

The Mexican Government having on the 5th of February, 1853, authorized the early construction of a plank and rail road across the Isthmus of Tehuantepec, and, to secure the stable benefits of said transit way to the persons and merchandize of the citizens of Mexico and the United States, it is stipulated that neither Government will interpose any obstacle to the transit of persons and merchandize of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

Provisions respecting the road across the Isthmus of Tehuantepec.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States Government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of custom-house or other charges by the Mexican Government. Neither passports nor letters of security will be required of persons crossing the isthmus and not remaining in the country.

Transportation of mails and property across the Isthmus.

When the construction of the railroad shall be completed, the Mexican Government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

Port of entry to be opened.

The two Governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that Government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

Transportation of troops and munitions of war.

The Mexican Government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

United States may protect the road.

ARTICLE IX.

This treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington within the exact period of six months from the date of its signature, or sooner if possible.

Ratifications.

In testimony whereof we, the Plenipotentiaries of the contracting parties, have hereunto affixed our hands and seals at Mexico, the thirtieth (30th) day of December, in the year of our Lord one thousand eight hundred and fifty-three, in the thirty-third year of the Independence of the Mexican Republic, and the seventy-eighth of that of the United States.

[SEAL.]	JAMES GADSDEN.
[SEAL.]	MANUEL DIEZ DE BONILLA.
[SEAL.]	JOSÉ SALAZAR YLARREGUI.
[SEAL.]	J. MARIANO MONTERDE.

1861.

TREATY FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE.

Concluded December 11, 1861; *ratifications exchanged at Mexico May* 20, 1862; *proclaimed June* 20, 1862.

The United States of America and the United Mexican States, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a treaty for this purpose, and have named as their respective Plenipotentiaries, that is to say:

Negotiators.

The President of the United States of America has appointed Thomas Corwin, a citizen of the United States, and their Envoy Extraordinary and Minister Plenipotentiary near the Mexican Government; and the President of the United Mexican States has appointed Sebastian Lerdo de Tejada, a citizen of the said States, and a Deputy of the Congress of the Union;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Extradition of persons accused of crime.

It is agreed that the contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in article third of the present treaty, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE II.

Requisitions for crimes committed in the frontier States of either nation; mode of procedure.

In the case of crimes committed in the frontier States or Territories of the two contracting parties, requisitions may be made through their respective diplomatic agents, or throug[h] the chief civil authority of said States or Territories, or through such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or when, from any cause, the civil authority of such State or Territory shall be suspended, through the chief military officer in command of such State or Territory.

ARTICLE III.

Persons shall be so delivered up who shall be charged, according to the provisions of this treaty, with any of the following crimes, whether as principals, accesories, or accomplices, to wit: Murder, (including assassination, parricide, infanticide, and poisoning;) assault with intent to commit murder; mutilation; piracy; arson; rape; kidnapping, defining the same to be the taking and carrying away of a free person by force or deception; forgery, including the forging or making, or knowingly passing or putting in circulation counterfeit coin or bank notes, or other paper current as money, with intent to defraud any person or persons; the introduction or making of instruments for the fabrication of counterfeit coin or bank notes, or other paper current as money; embezzlement of public moneys; robbery, defining the same to be the felonious and forcible taking from the person of another of goods or money to any value, by violence or putting him in fear; burglary, defining the same to be breaking and entering into the house of another with intent to commit felony; and the crime of larceny of cattle, or other goods and chattels, of the value of twenty-five dollars or more, when the same is committed within the frontier States or Territories of the contracting parties.

Crimes.

ARTICLE IV.

On the part of each country the surrender of fugitives from justice shall be made only by the authority of the Executive thereof, except in the case of crimes committed within the limits of the frontier States or Territories, in which latter case the surrender may be made by the chief civil authority thereof, or such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or if, from any cause, the civil authority of such State or Territory shall be suspended, then such surrender may be made by the chief military officer in command of such State or Territory.

Surrender, how made.

ARTICLE V.

All expenses whatever of detention and delivery effected in virtue of the preceding provisions shall be borne and defrayed by the Government or authority of the frontier State or Territory in whose name the requisition shall have been made.

Expenses.

ARTICLE VI.

The provisions of the present treaty shall not be applied in any manner to any crime or offence of a purely political character, nor shall it embrace the return of fugitive slaves, nor the delivery of criminals who, when the offence was committed, shall have been held in the place where the offence was committed in the condition of slaves, the same being expressly forbidden by the Constitution of Mexico; nor shall the provisions of the present treaty be applied in any manner to the crimes enumerated in the third article committed anterior to the date of the exchange of the ratifications hereof.

Persons cannot be extradited for political offenses.

Fugitive slaves.

Slaves.

Past offenses.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty.

Neither nation to deliver its citizens.

ARTICLE VII.

Duration of treaty.

This treaty shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give twelve months' previous notice.

ARTICLE VIII.

Ratifications.

The present treaty shall be ratified in conformity with the Constitutions of the two countries, and the ratifications shall be exchanged at the city of Mexico within six months from the date hereof, or earlier if possible.

In witness whereof we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents.

Done in the city of Mexico on the eleventh day of December, in the year of our Lord one thousand eight hundred and sixty-one, the eighty-sixth of the Independence of the United States of America, and the forty-first of that of the United Mexican States.

[SEAL.] THOS. CORWIN.
[SEAL.] SEB'N LERDO DE TEJADA.

1868.

CONVENTION FOR THE SETTLEMENT OF CLAIMS.

Concluded July 4, 1868; *ratifications exchanged at Washington February* 1, 1869; *proclaimed February* 1, 1869.

Whereas it is desirable to maintain and increase the friendly feelings between the United States and the Mexican Republic, and so to strengthen the system and principles of republican government on the American continent; and whereas since the signature of the treaty of Guadalupe Hidalgo, of the 2d of February, 1848, claims and complaints have been made by citizens of the United States, on account of injuries to their persons and their property by authorities of that republic, and similar claims and complaints have been made on account of injuries to the persons and property of Mexican citizens by authorities of the United States, the President of the United States of America and the President of the Mexican Republic have resolved to conclude a convention for the adjustment of the said claims and complaints, and have named as their Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and the President of the Mexican Republic, Matias Romero, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed to the following articles:

Negotiators.

ARTICLE I.

Claims upon both countries to be submitted to the commissioners.

All claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of the Mexican Republic, arising from injuries to their persons or property by authorities of the Mexican Republic, and all claims on the part of corporations, companies, or private individuals,

citizens of the Mexican Republic, upon the Government of the United States, arising from injuries to their persons or property by authorities of the United States, which may have been presented to either Government for its interposition with the other since the signature of the treaty of Guadalupe Hidalgo between the United States and the Mexican Republic of the 2d of February, 1848, and which yet remain unsettled, as well as any other such claims which may be presented within the time hereinafter specified, shall be referred to two commissioners, one to be appointed by the President of the United States, by and with the advice and consent of the Senate, and one by the President of the Mexican Republic. In case of the death, absence, or incapacity of either commissioner, or in the event of either commissioner omitting or ceasing to act as such, the President of the United States or the President of the Mexican Republic, respectively, shall forthwith name another person to act as commissioner in the place or stead of the commissioner originally named.

Provision for the death or absence of either commissioner.

The commissioners so named shall meet at Washington within six months after the exchange of the ratifications of this convention, and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to public law, justice, and equity, without fear, favor, or affection to their own country, upon all such claims above specified as shall be laid before them on the part of the Governments of the United States and of the Mexican Republic, respectively; and such declaration shall be entered on the record of their proceedings.

Commissioners to meet in Washington within six months.
To subscribe a solemn declaration which shall be entered of record.

The commissioners shall then name some third person to act as an umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and in each and every case in which the commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be umpire in that particular case. The person or persons so to be chosen to be umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act as such umpire, another and different person shall be named, as aforesaid, to act as such umpire, in the place of the person so originally named, as aforesaid, and shall make and subscribe such declaration as aforesaid.

Umpire.

ARTICLE II.

The commissioners shall then conjointly proceed to the investigation and decision of the claims which shall be presented to their notice, in such order and in such manner as they may conjointly think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective governments in support of, or in answer to any claim, and to hear, if required, one person on each side on behalf of each government on each and every separate claim. Should they fail to agree in opinion upon any individual claim, they shall call

Commissioners to proceed to investigate and decide claims.

Mode of proceeding.

to their assistance the umpire whom they may have agreed to name, or who may be determined by lot, as the case may be; and such umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the commissioners, shall decide thereupon finally and without appeal. The decision of the commissioners and of the umpire shall be given upon each claim in writing, shall designate whether any sum which may be allowed shall be payable in gold or in the currency of the United States, and shall be signed by them respectively. It shall be competent for each government to name one person to attend the commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

Decisions to be given in writing.

Each Government may name one agent to attend the commission on its behalf.

The President of the United States of America and the President of the Mexican Republic hereby solemnly and sincerely engage to consider the decision of the commissioners conjointly, or of the umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him, respectively, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

Decisions to be absolutely final and conclusive, and full effect to be given thereto.

It is agreed that no claim arising out of a transaction of a date prior to the 2d of February, 1848, shall be admissible under this convention.

No claim to be considered arising from any transaction prior to Feb. 2, 1848.

ARTICLE III.

Every claim shall be presented to the commissioners within eight months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners, or of the umpire in the event of the commissioners differing in opinion thereupon, and then and in any such case the period for presenting the claim may be extended to any time not exceeding three months longer.

Claims to be presented within eight months of the day of their first meeting, unless, &c.

Time not to be extended for over three months longer.

The commissioners shall be bound to examine and decide upon every claim within two years and six months from the day of their first meeting. It shall be competent for the commissioners conjointly, or for the umpire if they differ, to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this convention.

Commissioners to decide upon every claim within two years and six months.

ARTICLE IV.

When decisions shall have been made by the commissioners and the arbiter in every case which shall have been laid before them, the total amount awarded in all the cases decided in favor of the citizens of the one party shall be deducted from the total amount awarded to the citizens of the other party, and the balance, to the amount of three hundred thousand dollars, shall be paid at the city of Mexico or at the city of Washington, in gold or its equivalent, within twelve months from the close of the commission, to the government in favor of whose citizens the greater amount may have been awarded, without interest or any

The awards in favor of the citizens of one country to be deducted from those in favor of the citizens of the other country, and the balance, to the amount of $300,000, to be paid in twelve months.

other deduction than that specified in Article VI of this convention. The residue of the said balance shall be paid in annual instalments to an amount not exceeding three hundred thousand dollars, in gold or its equivalent, in any one year until the whole shall have been paid.

The residue of the balance, when and how to be paid.

ARTICLE V.

The high contracting parties agree to consider the result of the proceedings of this commission as a full, perfect, and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

This commission to make a full and final settlement of all claims prior to the exchange of the ratifications hereof.

ARTICLE VI.

The commissioners and the umpire shall keep an accurate record and correct minutes of their proceedings, with the dates. For that purpose they shall appoint two secretaries versed in the language of both countries to assist them in the transaction of the business of the commission. Each government shall pay to its commissioner an amount of salary not exceeding forty-five hundred dollars a year in the currency of the United States, which amount shall be the same for both governments. The amount of compensation to be paid to the umpire shall be determined by mutual consent at the close of the commission, but necessary and reasonable advances may be made by each government upon the joint recommendation of the commission. The salary of the secretaries shall not exceed the sum of twenty-five hundred dollars a year in the currency of the United States. The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the commission, provided always that such deduction shall not exceed five per cent. on the sums so awarded. The deficiency, if any, shall be defrayed in moieties by the two governments.

Records of the proceedings of the commission.

Secretaries.

Salaries.

Expenses

ARTICLE VII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Mexican Republic, with the approbation of the Congress of that Republic; and the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

Ratifications.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington, the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] M. ROMERO.

1868.*

CONVENTION REGULATING THE CITIZENSHIP OF EMIGRANTS.

Concluded July 10, 1868; *ratifications exchanged at Washington February* 1, 1869; *proclaimed February* 1, 1869.

The President of the United States of America and the President of the Republic of Mexico, being desirous of regulating the citizenship of persons who emigrate from Mexico to the United States of America, and from the United States of America to the Republic of Mexico, have decided to treat on this subject, and with this object have named as Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and the President of Mexico, Matias Romero, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico near the Government of the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

Negotiators.

ARTICLE I.

Those citizens of the United States who have been made citizens of the Mexican Republic by naturalization, and have resided, without interruption, in Mexican territory five years, shall be held by the United States as citizens of the Mexican Republic, and shall be treated as such. Reciprocally, citizens of the Mexican Republic who have become citizens of the United States, and who have resided uninterruptedly in the territory of the United States for five years, shall be held by the Republic of Mexico as citizens of the United States, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization. This article shall apply as well to those already naturalized in either of the countries contracting as to those hereafter naturalized.

Citizens of the one country naturalized in the other, to be held and treated as citizens of such other country.

Declaration of intention to become a citizen not to have the effect of naturalization.

ARTICLE II.

Naturalized citizens of either of the contracting parties, on return to the territory of the other, remain liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitations established by his original country.

Offences committed before emigration.

ARTICLE III.

The convention for the surrender in certain cases of criminals, fugitives from justice, concluded between the United States of America of the one part, and the Mexican Republic on the other part, on the eleventh day of December, one thousand eight hundred and sixty-one, shall remain in full force without any alteration.

Convention of December 11, 1861, for the extradition of fugitives from justice to remain in full force.

* See Notes: "Abrogated, suspended, or obsolete treaties."

ARTICLE IV.

If a citizen of the United States naturalized in Mexico renews his residence in the United States without the intent to return to Mexico, he shall be held to have renounced his naturalization in Mexico. Reciprocally, if a Mexican naturalized in the United States renews his residence in Mexico without the intent to return to the United States, he shall be held to have renounced his naturalization in the United States. Renunciation of citizenship.

The intent not to return may be held to exist when the person naturalized in the one country resides in the other country more than two years, but this presumption may be rebutted by evidence to the contrary. When the intent not to return may be held to exist.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and it shall remain in full force for ten years. If neither of the contracting parties shall give notice to the other six months previously of its intention to terminate the same, it shall further remain in force until twelve months after either of the contracting parties shall have given notice to the other of such intention. Duration of convention.

ARTICLE VI.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Mexican Republic, with the approval of the Congress of that republic, and the ratifications shall be exchanged in Washington within nine months from the date hereof. Ratifications.

In faith whereof the Plenipotentiaries have signed and sealed this convention at the city of Washington, this tenth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] M. ROMERO.

1871.

CONVENTION FOR EXTENSION OF THE DURATION OF THE JOINT COMMISSION FOR THE SETTLEMENT OF CLAIMS.

Concluded April 19, 1871; *ratifications exchanged at Washington February* 8, 1872; *proclaimed February* 8, 1872.

Whereas a convention was concluded on the 4th day of July, 1868, between the United States of America and the United States of Mexico, for the settlement of outstanding claims that have originated since the signing of the treaty of Guadalupe Hidalgo, on the 2d of February, 1848, by a mixed commission limited to endure for two years and six months from the day of the first meeting of the commissioners; and whereas doubts have arisen as to the practicability of the business of the said commission being concluded within the period assigned:

The President of the United States of America and the President of the United States of Mexico are desirous that the the time originally fixed for the duration of the said commission should be

extended, and to this end have named Plenipotentiaries to agree upon the best mode of effecting this object that is to say: The President of the United States of America, Thomas H. Nelson, accredited as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Mexican Republic; and the President of the United States of Mexico, Manuel Azpiroz, Chief Clerk and in charge of the Ministry of Foreign Relations of the United States of Mexico; who, after having presented their respective powers, and finding them sufficient and in due form, have agreed upon the following articles:

Negotiators.

ARTICLE I.

Duration of joint commission for settlement of claims extended for one year.

The high contracting parties agree that the term assigned in the convention of the 4th of July, 1868, above referred to, for the duration of the said commission, shall be extended for a time not exceeding one year from the day when the functions of the said commission would terminate according to the convention referred to, or for a shorter time if it should be deemed sufficient by the commissioners, or the umpire in case of their disagreement.

It is agreed that nothing contained in this article shall in anywise alter or extend the time originally fixed in the said convention for the presentation of claims to the mixed commission.

ARTICLE II.

Ratifications

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, as soon as possible.

In witness whereof the above-mentioned Plenipotentiaries have signed the same and affixed their respective seals.

Done in the city of Mexico the 19th day of April, in the year one thousand eight hundred and seventy-one.

[SEAL.] THOMAS H. NELSON.
[SEAL.] MANUEL AZPIROZ.

1872.

CONVENTION FOR THE REVIVAL AND FURTHER EXTENSION OF DURATION OF THE JOINT COMMISSION FOR THE SETTLEMENT OF CLAIMS.

Concluded November 27, 1872; *ratifications exchanged at Washington July* 17, 1873; *proclaimed July* 24, 1873.

Whereas, by the convention concluded between the United States and the Mexican Republic on the fourth day of July, 1868, certain claims of citizens of the contracting parties were submitted to a joint commission, whose functions were to terminate within two years and six months, reckoning from the day of the first meeting of the commissioners; and

Whereas the functions of the aforesaid joint commission were extended, according to the convention concluded between the same parties on the nineteenth day of April, 1871, for a term not exceeding one year from the day on which they were to terminate according to the first convention; and whereas the possibility of said commission's conclud-

ing its labors even within the period fixed by the aforesaid convention of April nineteenth, 1871, is doubtful;

Therefore, the President of the United States of America and the President of the United States of Mexico, desiring that the term of the afore-mentioned commission should be again extended, in order to attain this end, have appointed, the President of the United States Hamilton Fish, Secretary of State, and the President of the United States of Mexico Ignacio Mariscal, accredited to the Government of the United States as Envoy Extraordinary and Minister Plenipotentiary of said United States of Mexico, who, having exchanged their respective powers, which were found sufficient and in due form, have agreed upon the following articles:

Negotiators.

ARTICLE I.

The high contracting parties agree that the said commission be revived and that the time fixed by the convention of April nineteenth, 1871, for the duration of the commission aforesaid, shall be extended for a term not exceeding two years from the day on which the functions of the said commission would terminate according to that convention, or for a shorter time if it should be deemed sufficient by the commissioners or the umpire, in case of their disagreement.

Duration of commission for settlement of claims further extended for two years.

It is agreed that nothing contained in this article shall in any wise alter or extend the time originally fixed in the said convention for the presentation of claims to the commission.

Time for presentation of claims not extended.

ARTICLE II.

The present convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

Ratifications.

In witness whereof, the above-named Plenipotentiaries have signed the same and affixed their respective seals.

Done in the city of Washington the twenty-seventh day of November, in the year one thousand eight hundred and seventy-two.

[SEAL.] HAMILTON FISH.
[SEAL.] IGNO. MARISCAL.

1874.

CONVENTION FOR THE FURTHER EXTENSION OF DURATION OF THE JOINT COMMISSION FOR THE SETTLEMENT OF CLAIMS.

Concluded November 20, 1874; *ratifications exchanged at Washington January* 28, 1875; *proclaimed January* 29, 1875.

Whereas, pursuant to the convention between the United States and the Mexican Republic of the 19th day of April, 1871, the functions of the joint commission under the convention between the same parties of the 4th of July, 1868, were extended for a term not exceeding one year from the day on which they were to terminate according to the convention last named:

And whereas, pursuant to the first article of the convention between the same parties, of the twenty-seventh day of November, one thousand eight hundred and seventy-two, the joint commission above referred to

was revived and again extended for a term not exceeding two yares from the day on which the functions of the said commission would terminate pursuant to the said convention of the nineteenth day of April, 1871; but whereas the said extensions have not proved sufficient for the disposal of the business before the said commission, the said parties being equally animated by a desire that all that business should be closed as originally contemplated, the President of the United States has for this purpose conferred full powers on Hamilton Fish, Secretary of State, and the President of the Mexican Republic has conferred like powers on Don Ignacio Mariscal, Envoy Extraordinary and Minister Plenipotentiary of that republic to the United States. And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon the following articles.

Negotiators.

ARTICLE I.

Duration of commission for settlement of claims further extended for one year.

The high contracting parties agree that the said commission shall again be extended, and that the time now fixed for its duration shall be prolonged for one year from the time when it would have expired pursuant to the convention of the twenty-seventh of November, 1872: that is to say until the thirty-first day of January in the year one thousand eight hundred and seventy-six.

Time for presentation of claims not extended.

It is, however, agreed that nothing contained in this article shall in any wise alter or extend the time originally fixed by the convention of the 4th of July, 1868, aforesaid, for the presentation of claims to the commission.

ARTICLE II.

Umpire allowed six months after termination of the commission to decide cases.

It is further agreed that, if at the expiration of the time when, pursuant to the first article of this convention, the functions of the commissioners will terminate, the umpire under the convention should not have decided all the cases which may then have been referred to him, he shall be allowed a further period of not more than six months for that purpose.

ARTICLE III.

Cases decided by the commission heretofore.

All cases which have been decided by the commissioners or by the umpire heretofore, or which shall be decided prior to the exchange of the ratifications of this convention, shall, from the date of such exchange be regarded as definitively disposed of, and shall be considered and treated as finally settled, barred, and thenceforth inadmissible. And, pursuant to the stipulation contained in the fourth article of the convention of the fourth day of July, one thousand eight hundred and sixty-eight, the total amount awarded in cases already decided and which may be decided before the exchange of ratifications of this convention and in all cases which shall be decided within the times in this convention respectively named, for that purpose, either by the commissioners or by the umpire, in favor of citizens of the one party shall be deducted from the total amount awarded to the citizens of the other party, and the balance, to the amount of three hundred thousand dollars shall be paid at the city of Mexico, or at the city of Washington, in gold or its equivalent, within twelve months from the 31st day of January one thousand eight hundred

Awards, payment of.

and seventy-six to the government in favor of whose citizens the greater amount may have been awarded, without interest or any other deduction than that specified in article VI of that convention. The residue of the said balance shall be paid in annual instalments to an amount not exceeding three hundred thousand dollars in gold or its equivalent, in any one year until the whole shall have been paid.

ARTICLE IV.

The present convention shall be ratified and the ratifications shall be exchanged at Washington, as soon as possible.

In witness whereof the above named Plenipotentiaries have signed the same and affixed thereto their respective seals. Ratifications.

Done in Washington the twentieth day of November, in the year one thousand eight hundred and seventy-four.

[SEAL.] HAMILTON FISH.
[SEAL.] IGNO. MARISCAL.

1876.

CONVENTION EXTENDING FUNCTIONS OF THE UMPIRE OF THE JOINT COMMISSION FOR THE SETTLEMENT OF CLAIMS UNTIL NOVEMBER 20, 1876.

Concluded April 29, 1876; *ratifications exchanged at Washington June* 29, 1876; *proclaimed June* 29, 1876.

Whereas, pursuant to the Convention between the United States and the Mexican Republic of the 19th day of April, 1871, the functions of the joint commission under the Convention between the same parties of the 4th of July, 1868, were extended for a term not exceeding one year from the day on which they were to terminate according to the convention last named;

And whereas, pursuant to the first Article of the convention between the same parties, of the twenty-seventh day of November, one thousand eight hundred and seventy-two, the joint Commission above referred to was revived and again extended for a term not exceeding two years from the day on which the functions of the said commission would terminate pursuant to the said Convention of the nineteenth day of April, 1871;

And whereas pursuant to the Convention between the same parties, of the twentieth day of November one thousand eight hundred and seventy-four, the said commission was again extended for one year from the time when it would have expired pursuant to the Convention of the twenty-seventh of November, one thousand eight hundred and seventy-two, that is to say, until the thirty-first day of January one thousand eight hundred and seventy-six; and it was provided that if at the expiration of that time, the Umpire under the Convention should not have decided all the cases which may then have been referred to him, he should be allowed a further period of not more than six months for that purpose;

And whereas, it is found to be impracticable for the Umpire appointed pursuant to the Convention adverted to, to decide all the cases referred to him, within the said period of six months prescribed by the Conven-

tion of the twentieth of November one thousand eight hundred and seventy four;

And the parties being still animated by a desire that all that business should be closed as originally contemplated, the President of the United States has for this purpose conferred full powers on Hamilton Fish, Secretary of State, and the President of the Mexican Republic has conferred like powers on Don Ignacio Mariscal, Envoy Extraordinary and Minister Plenipotentiary of that Republic to the United States; and the said Plenipotentiaries having exchanged their full powers, which were found to be in due form, have agreed upon the following articles:

Negotiators.

ARTICLE I.

Umpire's functions not to terminate until November 20, 1876.

The high contracting parties agree that if the Umpire appointed under the Convention above referred to, shall not, on or before the expiration of the six months allowed for the purpose by the second article of the Convention of the twentieth of November one thousand eight hundred and seventy-four, have decided all the cases referred to him, he shall then be allowed a further period until the twentieth day of November one thousand eight hundred and seventy-six, for that purpose.

ARTICLE II.

Awards, payment of.

It is further agreed that so soon after the twentieth day of November one thousand eight hundred and seventy-six, as may be practicable, the total amount awarded in all cases already decided, whether by the Commissioners or by the Umpire, and which may be decided before the said twentieth day of November, in favor of citizens of the one party shall be deducted from the total amount awarded to the citizens of the other party, and the balance, to the amount of three hundred thousand dollars, shall be paid at the city of Mexico, or at the city of Washington, in gold or its equivalent, on or before the thirty-first day of January one thousand eight hundred and seventy-seven, to the government in favor of whose citizens the greater amount may have been awarded, without interest or any other deduction than that specified in Article VI of the said Convention of July 1868. The residue of the said balance shall be paid in annual instalments on the thirty-first day of January in each year, to an amount not exceeding three hundred thousand dollars, in gold or its equivalent, in any one year, until the whole shall have been paid.

ARTICLE III.

Ratifications.

The present Convention shall be ratified, and the ratifications shall be exchanged at Washington, as soon as possible.

In witness whereof the above named Plenipotentiaries have signed the same and affixed thereto their respective seals.

Done in Washington, the twenty-ninth day of April, in the year one thousand eight hundred and seventy-six.

[SEAL.] HAMILTON FISH.
[SEAL.] IGNO. MARISCAL.

1882.*

CONVENTION PROVIDING FOR AN INTERNATIONAL BOUNDARY SURVEY TO RELOCATE THE EXISTING FRONTIER LINE BETWEEN THE TWO COUNTRIES WEST OF THE RIO GRANDE.

Concluded, July 29, 1882; *ratifications exchanged at Washington March* 3, 1883; *proclaimed, March* 5, 1883.

The President of the United States of America on the one hand and the President of the United States of Mexico on the other, being desirous of putting an end to whatever difficulties arise from the destruction or displacement of some of the monuments erected for the purpose of marking the boundary between the two countries, have thought proper to conclude a convention with the object of defining the manner in which the said monuments are to be restored to their proper places and new ones erected, if necessary; to which end they have appointed as their Plenipotentiaries, to wit:

The President of the United States of America, Frederick T. Frelinghuysen, Esquire, Secretary of State of the United States of America; and the President of the United States of Mexico, Señor Don Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico, in Washington; Negotiators.

Who, after reciprocal exhibition of their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

With the object of ascertaining the present condition of the monuments marking the boundary line between the United States of America and the United States of Mexico, established by the treaties of February 2nd, 1848, and December† 3rd, 1853, and for determining generally what monuments, if any, have been destroyed or removed and may require to be rebuilt or replaced, a preliminary reconnaissance of the frontier line shall be made by each government, within six months from the exchange of ratifications of this convention. These reconnaissances shall be made by parties under the control of officers of the regular army of the respective countries, and shall be effected in concert, in such manner as shall be agreed upon by the commanders of the respective parties. The expense of each reconnoitering party shall be borne by the government in whose behalf it operates. Preliminary reconnaissance of frontier line to be made.

These reconnaissance parties shall report to their respective governments, within eight months from the exchange of the ratifications of this convention: Report of reconnaissance parties.

(*a*) the condition of the present boundary monuments;

(*b*) the number of destroyed or displaced monuments;

(*c*) the places, settled or capable of eventual settlement, where it may be advisable to set the monuments closer together along the line than at present;

(*d*) the character of the new monuments required, whether of stone or iron; and their number, approximately, in each case.

* See Notes: "Abrogated, suspended, or obsolete treaties."
† Should be December 30th, 1853.

ARTICLE II.

Surveying parties to be appointed.

Pending the conclusion of the preliminary reconnaissances provided in Article I, each government shall appoint a surveying party, consisting of an Engineer-in-chief, two Associates, one of whom shall be a practical astronomer, and such number of assistant engineers and associates as it may deem proper. The two parties so appointed shall meet at El Paso del Norte, or at any other convenient place to be agreed upon, within six months from the exchange of the ratifications hereof, and shall form, when combined, an "International Boundary Commission."

ARTICLE III.

Boundary Commission's powers.

The International Boundary Commission shall be required and have the power and authority to set in their proper places along the boundary line between the United States and Mexico, from the Pacific Ocean to the Rio Grande, the monuments heretofore placed there under existing treaties, whenever such monuments shall have become displaced; to erect new monuments on the site of former monuments when these shall have been destroyed; and to set new monuments at such points as may be necessary, and be chosen by joint accord between the two Commissioner Engineers-in-Chief. In rebuilding and replacing the old monuments and in providing for new ones, the respective reports of the reconnaissance parties, provided by Article I, may be consulted; provided, however, that the distance between two consecutive monuments shall never exceed eight thousand metres, and that this limit may be reduced on those parts of the line which are inhabited or capable of habitation.

ARTICLE IV.

Material of which monuments shall be made.

Where stone shall be found in sufficient abundance the monuments may be of stone; and in other localities shall be of iron, in the form of a simple tapering four-sided shaft with pediment, rising above the ground to a height of six feet, and bearing suitable inscriptions on its sides. These monuments shall be at least two centimeters in thickness, and weigh not less than five hundred pounds each.

Number of monuments.

The approximate number thereof to be required may be determined from the reports of the preliminary reconnaissance parties, and the monuments, properly cast and finished, may be sent forward from time to time to such spots as the commission may select, to be set in place at the sites determined upon as the work progresses.

ARTICLE V.

Processes to be adopted in the work.

The Engineers-in-Chief of both sections shall determine, by common consent, what scientific processes are to be adopted for the resetting of the old monuments and the erection of the new ones; and they shall be responsible for the proper performance of the work.

On commencing operations, each section shall report to its government the plan of operations upon which they shall have jointly agreed;

and they shall from time to time submit reports of the progress made by them in the said operations; and finally they shall present a full report, accompanied by the necessary drawings, signed by the Engineer-in-Chief and the two Associate Engineers on each side, as the official record of the International Boundary Commission.

ARTICLE VI.

The expenses of each section shall be defrayed by the government which appointed it; but the cost of the monuments and of their transportation shall be equally shared by both governments. Expenses

ARTICLE VII.

Whenever the number of the monuments to be set up shall be approximately known as the result of the labors of the preliminary reconnaissance-parties, the Engineers-in-Chief shall prepare an estimate of their cost, conveyance and setting up; and when such estimate shall have been approved by both governments, the mode of making the payment of the part to be paid by Mexico shall be determined by a special arrangement between the two governments. Mode of paying cost of monuments.

ARTICLE VIII.

The work of the International Boundary Commission shall be pushed forward with all expedition; and the two governments hereby agree to regard the present convention as continuing in force until the conclusion of said work, provided that such time does not exceed four years and four months* from the date of the exchange of the ratifications hereof. Duration of convention.

ARTICLE IX.

The destruction or displacement of any of the monuments described herein, after the line shall have been located by the International Boundary Commission as aforesaid, is hereby declared to be a misdemeanor, punishable according to the justice of the country of the offender's nationality, if he be a citizen of either the United States or Mexico; and if the offender be of other nationality, then the misdemeanor shall be punishable according to the justice of either country where he may be apprehended. Destruction of monuments a misdemeanor.

This convention shall be ratified on both sides and the ratifications exchanged at Washington as soon as possible. Ratifications.

In testimony whereof we have signed this convention in duplicate, in the English and Spanish languages, and affixed hereunto the seals of our arms.

Done in the City of Washington this 29th day of July, in the year of our Lord one thousand eight hundred and eighty-two.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] M. ROMERO.

* Time extended by convention of December 5, 1885, p. —.

1883.*

CONVENTION PROVIDING FOR COMMERCIAL RECIPROCITY.

Concluded January 20, 1883; *ratifications exchanged at Washington, May* 20, 1884; *proclaimed June* 2, 1884.

The United States of America and the United States of Mexico equally animated by the desire to strengthen and perpetuate the friendly relations, happily existing between them, and to establish such commercial intercourse between them as shall encourage and develop trade and good will between their respective citizens, have resolved to enter into a commercial convention. For this purpose the President of the United States of America has conferred full powers on Ulysses S. Grant and William H. Trescot, citizens of the United States of America, and the President of the United Sates of Mexico has conferred like powers on Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of Mexico at Washington, and on Estanislao Cañedo, citizens of the United States of Mexico;

Negotiators.

And said Plenipotentiaries, after having exchanged their respective full powers, which were found to be in due form, have agreed to the following articles:

ARTICLE I.

For and in consideration of the rights granted by the United States of Mexico to the United States of America in article second of this convention, and as an equivalent therefor, the United States of America hereby agree to admit, free of import duties whether Federal or local, all the articles named in the following schedule, into all the ports of the United States of America, and into such places on their frontier with Mexico, as may be established now or hereafter as ports of entry by the United States of America, provided that the same be the growth and manufacture or produce of the United States of Mexico.

Articles admitted into United States free of duty.

Schedule of Mexican articles to be admitted free of duty into the United States of America.

(2) 1. Animals, alive, specially imported for breeding purposes.
(9) 2. Barley, not pearl.
(8) 3. Beef.
(6) 4. Coffee.
(17) 5. Eggs.
(13) 6. Esparto and other grasses, and pulp of, for the manufacture of paper.
(14) 7. Flowers, natural of all kinds.
(15) 8. Fruits. All kinds of fresh fruits, such as oranges, lemons, pine-apples, limes, bananas, plantains, mangoes, etc.
(26) 9. Goat skins, raw.
(16) 10. Henequen, sisal, hemp, and other like substitutes for hemp.
(10) 11. Hide-ropes.
(11, 27) 12. Hides, raw or uncured, whether dry, salted, or pickled, and skins, except sheepskins, with the wool on, Angora goat skins, raw, without the wool, and asses' skins.
(18) 13. India-rubber, crude and milk of.
(3, 19) 14. Indigo.

* See Notes: "Abrogated, suspended, or obsolete treaties."

(20) 15. Ixtle or Tampico fibre.
(21) 16. Jalap.
(12) 17. Leather, old scrap.
(24) 18. Logwood, berries, [*] nuts, archil, and vegetables for dyeing or used for composing dyes.
(23) 19. Molasses.
(1) 20. Palm or cocoanut oil.
(4) 21. Quicksilver.
(30) 22. Sarsaparilla, crude.
(7) 23. Shrimps and all other shell fish.
(25) 24. Straw, unmanufactured.
(5) 25. Sugar, not above number 16, Dutch standard in color.
(28) 26. Tobacco in leaf, unmanufactured.
(29) 27. Vegetables, fresh of all kinds.
(22) 28. Wood and timber of all kinds, unmanufactured, including ship timber.

ARTICLE II.

For and in consideration of the rights granted by the United States of America in the preceding article of this convention, and as an equivalent therefor, the United States of Mexico hereby agree to admit free of duties whether Federal or local, all the articles named in the following schedule, the same being the growth, manufacture, or produce of the United States of America, into all the ports of the United States of Mexico and into such places on their frontier with the United States of America as may be established now or hereafter as ports of entry by the United States of Mexico.

Articles admitted into Mexico free of duty.

Schedule of United States articles to be admitted free of duty into Mexico.

(1) 1. Accordeons and harmonicas.
(74) 2. Anvils.
(8) 3. Asbestos for roofs.
(12) 4. Bars of steel for mines, round or octagonal.
(22) 5. Barrows and hand trucks with one or two wheels.
(36) 6. Bricks, refractory and all kinds of bricks.
(38) 7. Books, printed, unbound or bound in whole or in the greater part with paper or cloth.
(73) 8. Beams, small, and rafters of iron for roofs, provided that they cannot be made use of for other objects in which iron is employed.
(19) 9. Coal of all kinds.
(21) 10. Cars and carts with springs.
(23) 11. Coaches and cars for railways.
(24) 12. Crucibles and melting pots of all materials and sizes.
(25) 13. Cane-knives.
(63) 14. Clocks, mantel or wall.
(26) 15. Diligences and road carriages of all kinds and dimensions.
(27) 16. Dynamite.
(14) 17. Fire pumps, engines, and ordinary pumps for irrigation and other purposes.
(40) 18. Faucets.

* A protocol signed February 11, 1884, provides that the equivalent of the English word "berries" shall be in the Spanish text the word "bayas" instead of the Spanish word "cerezas."

(47) 19. Fuse and wick for mines.
(53) 20. Feed, dry, and straw.
(29) 21. Fruits, fresh.
(37) 22. Fire-wood.
(54) 23. Fish, fresh.
(30) 24. Guano.
(6) 25. Hoes, mattocks, and their handles.
(16) 26. Houses of wood or iron, complete.
(17) 27. Hoes, common agricultural knives without their sheaths scythes, sickles, harrows, rakes, shovels, pick-axes, spades and mattocks for agriculture.
(66) 28. Henequen bags, on condition that they be used for subsequent exportation with Mexican products.
(31) 29. Ice.
(32) 30. Iron and steel made into rails for railways.
(34) 31. Instruments, scientific.
(68) 32. Ink, printing.
(72) 33. Iron beams.
(15) 34. Lime, hydraulic.
(39) 35. Locomotives.
(56) 36. Lithographic stones.
(7, 46) 37. Masts and anchors, for vessels large or small.
(41) 38. Marble in blocks.
(42) 39. Marble in flags for pavements not exceeding forty centimeters in square and polished only on one side.
(45) 40. Machines and apparatus of all kinds for industrial, agricultural and mining purposes, sciences and arts, and any separate extra parts and pieces pertaining thereto.

The extra or separate parts of machinery and the apparatus that may come united or separately with the machinery are included in this provision, comprehending in this the bands of leather or rubber that serve to communicate movement, but only when imported at the same time with the machinery to which they are adapted.

(48) 41. Metals, precious, in bullion or in powder.
(50) 42. Money, legal of silver or gold, of the United States.
(49) 43. Moulds and patterns for the arts.
(51) 44. Naptha.
(9) 45. Oats in grain or straw.
(64) 46. Oars for small vessels.
(5) 47. Plows and plowshares.
(52) 48. Paper, tarred for roofs.
(57) 49. Plants and seeds of any kind, not growing in the country, for cultivation.
(58) 50. Pens of any metal not silver or gold.
(59) 51. Petroleum, crude.
(60) 52. Petroleum or coal oil and its products for illuminating purposes.
(62) 53. Powder, common, for mines.
(10) 54. Quicksilver.
(70) 55. Rags or cloth for the manufacture of paper.
(67) 56. Roof tiles of clay or other material.
(11) 57. Sulphur.
(13) 58. Stoves of iron for cooking and other purposes.
(28) 59. Staves and headings for barrels.
(33) 60. Soda, hyposulphite of.
(43) 61. Steam engines.

(44) 62. Sewing machines.
(61) 63. Slates for roofs and pavements.
(65) 64. Sausages, large or small.
(20) 65. Teasels of wire, mounted on bands for machinery, or vegetable teasels.
(35) 66. Tools and instruments of steel, [*] iron, brass, or wood, or composed of these materials, for artisans.
(69) 67. Types, coats of arms, spaces, rules, vignettes, and accessories for printing of all kinds.
(71) 68. Vegetables, fresh.
(2) 69. Wire, telegraph, the destination of which will be proven at the respective custom houses by the parties interested.
(3) 70. Wire of iron or steel for carding, from No. 26 and upwards.
(4) 71. Wire, barbed, for fences, and the hooks and nails to fasten the same.
(18) 72. Water pipes of all classes, materials and dimensions, not considering as comprehended among them tubes of copper or other metal that do not come closed or soldered with seam or with riveting in all their length.
(55) 73. Window blinds, painted or not painted.

ARTICLE III.

The Government of the United States of Mexico, shall have the power to issue such laws, rules,† regulations, instructions and orders, as it may deem proper to protect its revenues and prevent fraud in order to prove that the merchandise included in the above schedule annexed to article second of this convention, are produced or manufactured in the United States of America, and therefore are entitled to importation free of duty, into the Mexican ports or such places on the frontier between Mexico and the United States of America, as are previously established as ports of entry by the Government of Mexico.

Laws and regulations to protect revenues and prevent fraud to be adopted by Mexico.

The Government of the United States of Mexico shall have moreover the power to amend, modify, or amplify the laws and regulations issued in exercising the power conferred by this article, whenever it deems proper to do so in order to protect its revenues and prevent fraud.

ARTICLE IV.

The Government of the United States of America shall have the power to issue such laws, rules, regulations, instructions and orders as it may deem proper to protect its revenues and prevent fraud, in order to prove that the merchandise included in the above schedule attached to the first article of this convention are produced or manufactured in the United States of Mexico, and therefore are entitled to importation, free of duty, into the ports of the United States of America or such places on the frontier between the United States of America and the United States of Mexico as are previously established as ports of entry by the Government of the United States of America.

Laws and regulations to protect revenues and prevent fraud to be adopted by the United States.

The Government of the United States of America shall have moreover the power to amend, modify or amplify the laws and regulations

* A protocol signed by the plenipotentiaries January 20, 1883, provided that the word "steel" should be inserted in this article.

† The Spanish equivalent of the English word "rules" does not appear in the Spanish text.

issued in exercising the power conferred by this article, whenever it may deem proper to do so in order to protect its revenues and prevent fraud.

ARTICLE V.

Import duties may be changed and other nations may be granted equal privileges; in that event convention may be denounced.

The stipulations contained in the first and second articles of this convention will not prevent either of the contracting parties from making such changes in their import duties as their respective interests may require, granting to other nations the same liberty of rights in regard to one or more of the articles of merchandise named in the schedule annexed to the first and second articles, either by legislation or by means of treaties with other Governments. But in case such changes are made, the party affected by the same may denounce this convention even before the term specified in Article IX., and the present convention will be terminated at the end of six months, from the day on which such notification may be made by the respective country.

ARTICLE VI.

Transit duties not to be imposed in certain cases.

It is further agreed by the contracting parties that neither of them shall charge any duty for the transit of the above said articles of merchandise through its own territory, provided that they are intended to be consumed in the same territory.

ARTICLE VII.

Transit duties may be imposed in certain cases.

Notwithstanding, either of the contracting parties may impose duties of transit upon any kind of merchandise, passing through its territory and destined to be consumed in the territory of another country.

ARTICLE VIII.

Laws must be passed before convention can go into operation.

The present convention shall take effect as soon as it has been approved and ratified by both contracting parties, according to their respective constitutions; but not until laws necessary to carry it into operation, shall have been passed both by the Congress of the United States of America and the Government of the United Mexican States, and regulations provided accordingly, which shall take place within twelve months* from the date of the exchange of ratifications to which Article ten refers.

ARTICLE IX.

Duration of convention.

Upon the present convention taking effect, it shall remain in force for six years from the date in which it may come into operation, according to the foregoing article, and shall remain in force until either of the contracting parties shall give notice to the other of its wish to terminate the same, and until the expiration of twelve months from the date of said notification. Each of the contracting parties is at liberty to give such notice to the other at the end of said term of six years, or any time thereafter, or before as provided in Article V of this convention.

* Time extended by conventions of February 25, 1885, and May 14, 1886, pp. — —.

ARTICLE X.

The ratifications of the present convention shall be duly exchanged at the city of Washington within sixteen months from the date hereof, or earlier if possible. Ratifications.

In faith whereof the respective plenipotentiaries of the high contracting parties have signed the present convention and have affixed thereto their respective seals.

Done in duplicate at the city of Washington this twentieth day of January A. D. one thousand eight hundred and eighty-three.

[SEAL.] U. S. GRANT.
[SEAL.] WM. HENRY TRESCOT.
[SEAL.] M. ROMERO.
[SEAL.] E. CAÑEDO.

PROTOCOL.

The Commissioners, Ulysses S. Grant and William H. Trescot, on the part of the United States, and Matias Romero and Estanislao Cañedo, on the part of Mexico, met at the State Department at 1 o'clock, January 15, 1883.

Upon submitting to each other their respective powers, the Commissioners of the United States called to the attention of the Commissioners of Mexico that while the powers of the former were full, the powers of the latter were confined to the execution of such a Treaty as was prescribed in their instructions, and as these instructions were unknown to the United States Commissioners, the powers could scarcely be considered "like and equal."

The Mexican Commissioners said they proposed to communicate their instructions, and, at the request of the United States Commissioners, consented to attach them to their powers as part thereof.

As these instructions referred to a draft of a treaty in possession of the Mexican Commissioners as representing the views of the Mexican Government, it was agreed that the treaty should be read.

It was accordingly read, article by article.

Upon the reading of the first article, the United States Commissioners stated that complaints had been made that merchandise going from the United States into Mexico and subject to duty was not only taxed at the port of entry, but was subject to extra taxation imposed upon the border line of every State of the Mexican Republic through which it might pass. They wished to know whether the condition of Mexican law, taken in connection with the language of this article, exempting goods on the free list from all "taxation whether Federal or local", was such as to secure these goods from local taxation.

The Mexican Commissioners said:

"That section I. of article 112 of the Federal Constitution of the United States of Mexico provides that the States cannot levy any tax upon tonnage or any other port duty, or upon imports and exports unless they are authorized to do so by the Federal Congress. That the Federal Congress has not authorized the States to levy any tax upon imports and exports, and could not give any such authority if this project became a treaty, so far as the articles embraced in Article 2 of the treaty are concerned.

"That, therefore, if any State should attempt to collect any tax on said articles, or any other foreign articles, in Mexico, the interested

parties could apply to the proper courts and have the wrong remedied in accordance with the Mexican laws."

Having considered Articles 1 and 2, with the respective free lists, the Commission adjourned to meet on Tuesday, the 16th instant, at 10 o'clock.

U. S. GRANT.
WM. HENRY TRESCOT.
M. ROMERO.
E. CAÑEDO.

PROTOCOL.

WASHINGTON, *Tuesday, January* 16, 1883.

The Commissioners met at 10 o'clock.

The reading of the articles of the treaty draft was renewed.

In connection with Articles 3 and 4, the United States Commissioners suggested that, without making any alteration in the substance of the articles, it would be desirable if some concert could be had in the establishment of such customs regulations as might be found necessary for proof of the character of the merchandise made free under the provisions of the Treaty; and they considered it important that the official examination of such merchandise once made at the port of original entry should be sufficient to carry such goods to their point of destination without further examination.

The Mexican Commissioners said that the Mexican Government was now endeavoring to modify its customs regulations; that a Commissioner was appointed to come to the United States to examine the customs regulations between the United States and Canada, who has reported favorably upon the adoption of that system, and that a Commission was now sitting in Mexico for the revision of the tariff, and would probably adopt that system; that the introduction and development of railroads would require a change in the present system, and that they had no doubt some plan would be devised by which goods could be carried under bond to their point of final destination; that, as they had explained before, no separate State had the right to levy taxes upon imports without the consent of the Federal Congress, and that goods declared free, having once passed the custom-house of original entry, or having arrived at the place of destination, if the bond system was adopted, would not need any further justification.

The remaining articles of the draft, with the exception of Article 5, were then read, and in some respects modified.

Article V. was then read.

The United States Commissioners submitted a modification by which the free lists were made the exclusive privilege of the contracting parties during the term of the existence of the treaty—six years.

After a very full discussion, the Mexican Commissioners said that they were not authorized to accept the modification; and the United States Commissioners replied that under their instructions they were not authorized to accept the article without some modification.

The subject was referred for further discussion to the next meeting.

The Commission then adjourned to meet on Wednesday, January 17, at 11 o'clock.

U. S. GRANT.
WM. HENRY TRESCOT.
M. ROMERO.
E. CAÑEDO.

1884.

CONVENTION TOUCHING THE BOUNDARY LINE WHERE IT FOLLOWS THE BED OF THE RIO COLORADO.

Concluded November 12, 1884; *ratifications exchanged at Washington September* 13, 1886; *proclaimed September* 14, 1886.

Whereas, in virtue of the Vth article of the Treaty of Guadalupe Hidalgo between the United States of America and the United States of Mexico, concluded February 2, 1848, and of the first article of that of December 30, 1853, certain parts of the dividing line between the two countries follow the middle of the channel of the Rio Grande and the Rio Colorado, to avoid difficulties which may arise through the changes of channel to which those rivers are subject through the operation of natural forces, the Government of the United States of America and the Government of the United States of Mexico have resolved to conclude a convention which shall lay down rules for the determination of such questions, and have appointed as their Plenipotentiaries:

The President of the United States of America, Frederick T. Frelinghuysen, Secretary of State of the United States; and the President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United Mexican States; Negotiators.

Who, after exhibiting their respective Full Powers, found in good and due form, have agreed upon the following articles:

Article I.

The dividing line shall forever be that described in the aforesaid Treaty and follow the center of the normal channel of the rivers named, notwithstanding any alterations in the banks or in the course of those rivers, provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of an existing river bed and the opening of a new one. Boundary line described.

Article II.

Any other change, wrought by the force of the current, whether by the cutting of a new bed, or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey made under the aforesaid Treaty, shall produce no change in the dividing line as fixed by the surveys of the International Boundary Commissions in 1852, but the line then fixed shall continue to follow the middle of the original channel bed, even though this should become wholly dry or be obstructed by deposits. Boundary line to follow the middle of the original channel bed of the river.

Article III.

No artificial change in the navigable course of the river, by building jetties, piers, or obstructions which may tend to deflect the current or produce deposits of alluvium, or by dredging to deepen another than the original channel under the Treaty when there is more than one channel, or by cutting waterways to shorten the navigable distance, shall be permitted to affect or alter the dividing line as determined by the aforesaid commissions in 1852 or as determined by Article I hereof and under the reservation therein contained; but the protection of the banks on either side from erosion by revetments of stone or other material not unduly projecting into the current of the river shall not be deemed an artificial change. Boundary line not to be effected by artificial change in course of river.

ARTICLE IV.

Boundary line on international bridges to be marked by monuments.

If any international bridge have been or shall be built across either of the rivers named, the point on such bridge exactly over the middle of the main channel as herein determined shall be marked by a suitable monument, which shall denote the dividing line for all the purposes of such bridge, notwithstanding any change in the channel which may thereafter supervene. But any rights other than in the bridge itself and in the ground on which it is built shall in event of any such subsequent change be determined in accordance with the general provisions of this convention.

ARTICLE V.

Lands not to be affected by change of channel, but shall continue under jurisdiction of country to which they previously belonged.

Rights of property in respect of lands which may have become separated through the creation of new channels as defined in Article II. hereof, shall not be effected thereby, but such lands shall continue to be under the jurisdiction of the county to which they previously belonged.

In no case, however, shall this retained jurisdictional right affect or control the right of navigation common to the two countries under the stipulations of Article VII of the aforesaid Treaty of Guadaloupe Hidalgo; and such common right shall continue without prejudice throughout the actually navigable main channels of the said rivers, from the mouth of the Rio Grande to the point where the Rio Colorado ceases to be the international boundary, even though any part of the channel of said rivers, through the changes herein provided against, may be comprised within the territory of one of the two nations.

ARTICLE VI.

Ratifications.

This convention shall be ratified by both parties in accordance with their respective constitutional procedure, and the ratifications exchanged in the city of Washington as soon as possible.

In witness whereof the undersigned Plenipotentiaries have hereunto set their hands and seals.

Done at the city of Washington, in duplicate, in the English and Spanish languages, this twelfth day of November, A. D. 1884.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] M. ROMERO.

1885.

ADDITIONAL ARTICLE TO THE CONVENTION PROVIDING FOR COMMERCIAL RECIPROCITY OF JANUARY 20, 1883, EXTENDING THE TIME ORIGINALLY FIXED FOR THE APPROVAL OF THE LAWS NECESSARY TO CARRY IT INTO OPERATION.

Concluded February 25, 1885; *ratifications exchanged at Washington November* 27, 1885; *proclaimed May* 4, 1886.

The United States of America and the United States of Mexico, deeming it expedient to extend the time for the approval of the laws neces-

sary to carry into operation the Commercial Convention between the two Governments concluded at Washington, January 20, 1883, fixed in Article VIII., of said Convention, have agreed upon an additional article and have appointed as their Plenipotentiaries:

The President of the United States of America, Frederick T. Frelinghuysen, Secretary of State of the United States of America, and

Negotiators.

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico at Washington;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following article:

ADDITIONAL ARTICLE.

The time originally fixed in Article VIII. of the Commercial Convention between the United States of America and the United States of Mexico, concluded at Washington, January 20, 1883, for the approval of the laws necessary to carry it into operation, is hereby extended to May 20, 1886.

Time for the approval of the laws to carry into effect the convention of January 20, 1883, extended

This additional article shall be ratified by the contracting Parties, in conformity with their respective Constitutions and its ratifications shall be exchanged in Washington as soon as possible.

Ratifications

In faith whereof we, the undersigned, in virtue of our respective full powers, have signed the present additional article in duplicate, and have hereunto affixed our respective seals.

Done at the City of Washington the 25th day of February in the year of our Lord one thousand eight hundred and eighty-five.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] M. ROMERO.

MOROCCO.

1787.*

TREATY OF PEACE AND FRIENDSHIP

Concluded January, 1787; *ratified by the Continental Congress July* 18, 1787.

To all persons to whom these presents shall come or be made known:

Whereas the United States of America, in Congress assembled, by their commission bearing date the twelfth day of May, one thousand seven hundred and eighty-four, thought proper to constitute John Adams, Benjamin Franklin, and Thomas Jefferson, their Ministers Plenipotentiary, giving to them, or a majority of them, full powers to confer, treat, and negotiate with the Ambassador, Minister, or Commissioner of his Majesty the Emperor of Morocco, concerning a treaty of amity and commerce; to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States in Congress assembled, for their final ratification; and by one other commission, bearing date the eleventh day of March, one thousand seven hundred and eighty-five, did further empower the said Ministers Plenipotentiary, or a majority of them, by writing under their hands and seals, to appoint such agent in the said business as they might think proper, with authority under the directions and instructions of the said Ministers, to commence and prosecute the said negotiations and conferences for the said treaty, provided that the said treaty should be signed by the said Ministers: And whereas we, the said John Adams and Thomas Jefferson, two of the said Ministers Plenipotentiary, (the said Benjamin Franklin being absent,) by writing under the hand and seal of the said John Adams at London, October the fifth, one thousand seven hundred and eighty-five, and of the said Thomas Jefferson at Paris, October the eleventh of the same year, did appoint Thomas Barclay agent in the business aforesaid, giving him the powers therein, which, by the said second commission, we were authorized to give, and the said Thomas Barclay, in pursuance thereof, hath arranged articles for a treaty of amity and commerce between the United States of America and His Majesty the Emperor of Morocco, which articles, written in the Arabic language, confirmed by His said Majesty the Emperor of Morocco, and sealed with his royal seal, being translated into the language of the said United States of America, together with the attestations thereto annexed, are in the following words, to wit:

[ROYAL SEAL.]

In the name of Almighty God.

This is a treaty of peace and friendship established between us and the United States of America, which is confirmed, and which we have

* See Notes: "Abrogated, suspended, or obsolete treaties."

ordered to be written in this book, and sealed with our royal seal, at our court of Morocco, on the twenty-fifth day of the blessed month of Shaban, in the year one thousand two hundred, trusting in God it will remain permanent.

ARTICLE I.

We declare that both parties have agreed that this treaty, consisting of twenty-five articles, shall be inserted in this book, and delivered to the Honorable Thomas Barclay, the agent of the United States, now at our court, with whose approbation it has been made, and who is duly authorized on their part to treat with us concerning all the matters contained therein. Emperor's consent to the treaty.

ARTICLE II.

If either of the parties shall be at war with any nation whatever, the other party shall not take a commission from the enemy, nor fight under their colors. Commissions from an enemy.

ARTICLE III.

If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them. Case of captures.

ARTICLE IV.

A signal or pass shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination. Vessels to have passports.

ARTICLE V.

If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done without reason, the offending party shall make good all damages. Right of search at sea.

ARTICLE VI.

If any Moor shall bring citizens of the United States, or their effects, to His Majesty, the citizens shall immediately be set at liberty, and the effects restored; and in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America, or their effects, and bring them into any of the ports of His Majesty, they shall be immediately released, as they will then be considered as under His Majesty's protection. Captured Americans to be set free.

ARTICLE VII.

Vessels in port to be supplied.

If any vessel of either party shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

ARTICLE VIII.

Vessels putting in port to repair.

If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and re-load her cargo, without paying any duty whatever.

ARTICLE IX.

Shipwrecks.

If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

ARTICLE X.

Vessels engaged within gun-shot of fort.

If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian Powers within gun-shot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible until she is in safety; and if any American vessel shall be cast on shore on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted, until, by the help of God, they shall be sent to their country.

ARTICLE XI.

Navigation in time of war.

If we shall be at war with any Christian Power, and any of our vessels sail from the ports of the United States, no vessel belonging to the enemy shall follow until twenty-four hours after the departure of our vessels; and the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

ARTICLE XII.

Ships of war not to be examined.

If any ship of war belonging to the United States shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

ARTICLE XIII.

Ships of war to be saluted.

If a ship of war of either party shall put into a port of the other and salute, it shall be returned from the fort with an equal number of guns, not with more or less.

ARTICLE XIV.

The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favored nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports whenever they please, without interruption. Most favored nation.

ARTICLE XV.

Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less. Privileges of merchants.

ARTICLE XVI.

In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant or any other person authorized by either of the parties. Exchange of prisoners in time of war.

ARTICLE XVII.

Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper; and may buy and sell all sorts of merchandise but such as are prohibited to the other Christian nations. Privileges of merchants.

ARTICLE XVIII.

All goods shall be weighed and examined before they are sent on board, and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board, in which case the persons who took the contraband goods on board shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever. Goods to be examined before sent on board.

ARTICLE XIX.

No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board. Vessels not to be detained.

ARTICLE XX.

If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties, and whenever the Consul shall require any aid or assistance from our Government, to enforce his decisions, it shall be immediately granted to him. Settlement of disputes between Americans.

Article XXI.

Crimes.

If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

Article XXII.

Estates of deceased citizens.

If an American citizen shall die in our country, and no will shall appear, the Consul shall take possession of his effects; and if there shall be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeable to that will as soon as the Consul shall declare the validity thereof.

Article XXIII.

Consuls and their privileges.

The Consuls of the United States of America shall reside in any seaport of our dominions that they shall think proper; and they shall be respected and enjoy all the privileges which the Consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof, without which promise, in writing, no application to him for any redress shall be made.

Article XXIV.

Case of war.

If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain notwithstanding in the fullest force, until a friendly application shall be made for an arrangement, and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose of their effects and retire with their property. And it is further declared, that whatever indulgences, in trade or otherwise, shall be granted to any of the Christian Powers, the citizens of the United States shall be entitled to them.

Article XXV.

Duration of treaty.

This treaty shall continue in full force, with the help of God, for fifty years.

We have delivered this book into the hands of the beforementioned Thomas Barclay, on the first day of the blessed month of Ramadan,* in the year one thousand two hundred.

I certify that the annexed is a true copy of the translation made by Isaac Cardoza Nuñez, interpreter at Morocco, of the treaty between the Emperor of Morocco and the United States of America.

Thos. Barclay.

* The Ramadan of the year of the Hegira 1200, commenced on the 28th of June in the year of our Lord 1786.

ADDITIONAL ARTICLE.

Grace to the only God.

I, the under-written, the servant of God, Taher Ben Abdelkack Tennish, do certify that His Imperial Majesty, my master, (whom God preserve,) having concluded a treaty of peace and commerce with the United States of America, has ordered me, the better to compleat it, and in addition of the tenth article of the treaty to declare, "That if any vessel belonging to the United States shall be in any of the ports of His Majesty's dominions, or within gunshot of his forts, she shall be protected as much as possible; and no vessel whatever, belonging either to Moorish or Christian Powers, with whom the United States may be at war, shall be permitted to follow or engage her, as we now deem the citizens of America our good friends." Vessels of United States to be protected.

And, in obedience to His Majesty's commands, I certify this declaration, by putting my hand and seal to it, on the eighteenth day of Ramadan, in the year one thousand two hundred.

The servant of the King, my master, whom God preserve.

TAHER BEN ABDELKACK TENNISH.

I do certify that the above is a true copy of the translation made at Morocco, by Isaac Cordoza Nunez, interpreter, of a declaration made and signed by Sidi Hage Taher Tennish, in addition to the treaty between the Emperor of Morocco and the United States of America, which declaration the said Taher Tennish made by the express directions of His Majesty.

THOS. BARCLAY.

Now, know ye, that we, the said John Adams and Thomas Jefferson, Ministers Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained, reserving the same nevertheless to the United States in Congress assembled, for their final ratification.

In testimony whereof, we have signed the same with our names and seals, at the places of our respective residence, and at the dates expressed under our signatures respectively.

[SEAL.] JOHN ADAMS,
London, January 25th, 1787.

[SEAL.] THOM. JEFFERSON,
Paris, January 1st, 1787.

1836.

TREATY OF PEACE AND FRIENDSHIP.

Concluded September 16, 1836; *ratified January* 28, 1837; *proclaimed January* 30, 1837.

In the name of God, the Merciful and Clement!

Emperor's seal. Abd Errahman Ibenu Kesham, whom God exalt!

PRAISE BE TO GOD!

This is the copy of the treaty of peace which we have made with the Americans, and written in this book; affixing thereto our blessed seal, that, with the help of God, it may remain firm forever.

Written at Meccanez, the City of Olives, on the 3d day of the month Jumad el lahhar, in the year of the Hegira 1252. (Corresponding to September 16, A. D. 1836.)

ARTICLE I.

Emperor's consent to the treaty.

We declare that both parties have agreed that this treaty, consisting of twenty five articles, shall be inserted in this book, and delivered to James R. Leib, Agent of the United States, and now their resident Consul at Tangier, with whose approbation it has been made, and who is duly authorized on their part to treat with us concerning all the matters contained therein.

ARTICLE II.

Commissions from an enemy.

If either of the parties shall be at war with any nation whatever, the other shall not take a commission from the enemy, nor fight under their colors.

ARTICLE III.

Case of captures.

If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

ARTICLE IV.

Vessels to have passports.

A signal, or pass, shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

ARTICLE V.

Right of search at sea.

If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done, without reason, the offending party shall make good all damages.

ARTICLE VI.

Captured Americans to be set free.

If any Moor shall bring citizens of the United States, or their effects, to His Majesty, the citizens shall immediately be set at liberty, and the effects restored; and, in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the

citizens of America or their effects, and bring them into any of the ports of His Majesty, they shall be immediately released, as they will then be considered as under His Majesty's protection.

Article VII.

If any vessel of either party shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation. Vessels in port to be supplied

Article VIII.

If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and reload her cargo, without paying any duty whatever. Vessels putting in port to repair.

Article IX.

If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage. Shipwrecks.

Article X.

If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian Powers, within gun-shot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible, until she is in safety; and if any American vessel shall be cast on shore, on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted until, by the help of God, they shall be sent to their country. Vessels engaged within gun-shot of fort.

Article XI.

If we shall be at war with any Christian Power, and any of our vessels sail from the ports of the United States, no vessel belonging to the enemy shall follow until twenty-four hours after the departure of our vessels; and the same regulations shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians. Navigation in time of war.

Article XII.

If any ship of war belonging to the United States shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them. Ships of war not to be examined.

Article XIII.

If a ship of war of either party shall put into a port of the other, and salute, it shall be returned from the fort with an equal number of guns, not more or less. Ships of war to be saluted.

ARTICLE XIV.

Most favored nation

The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favored nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports whenever they please, without interruption.

ARTICLE XV.

Privileges of merchants.

Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

ARTICLE XVI.

Exchange of prisoners in time of war.

In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged, one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant or any other person authorized by either of the parties.

ARTICLE XVII.

Privileges of merchants.

Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper, and may buy and sell all sorts of merchandise but such as are prohibited to the other Christian nations.

ARTICLE XVIII.

Goods to be examined before sent on board.

All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board, in which case the persons who took the contraband goods on board shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

ARTICLE XIX.

Vessels not to be detained.

No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

ARTICLE XX.

Settlement of disputes between Americans.

If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from our Government to enforce his decisions, it shall be immediately granted to him.

Article XXI.

If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever. Crimes.

Article XXII.

If an American citizen shall die in our country and no will shall appear, the Consul shall take possession of his effects; and if there shall be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeably to that will, as soon as the Consul shall declare the validity thereof. Estates of deceased citizens.

Article XXIII.

The Consul of the United States of America shall reside in any seaport of our dominions that they shall think proper, and they shall be respected and enjoy all the privileges which the Consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof, without which promise in writing no application to him for any redress shall be made. Consuls and their privileges.

Article XXIV.

If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain, notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement; and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties to dispose of their effects and retire with their property. And it is further declared that whatever indulgence, in trade or otherwise, shall be granted to any of the Christian Powers, the citizens of the United States shall be equally entitled to them. Case of war.

Article XXV.

This treaty shall continue in force, with the help of God, for fifty years; after the expiration of which term, the treaty shall continue to be binding on both parties, until the one shall give twelve months' notice to the other of an intention to abandon it; in which case its operations shall cease at the end of the twelve months. Duration of treaty.

Consulate of the United States of America For the Empire of Morocco.

To all whom it may concern.

Be it known.

Whereas the undersigned, James R. Leib, a citizen of the United States of North America, and now their resident Consul at Tangier,

having been duly appointed Commissioner by letters-patent, under the signature of the President and seal of the United States of North America, bearing date, at the city of Washington, the fourth day of July, A. D. 1835, for negotiating and concluding a treaty of peace and friendship between the United States of North America and the Empire of Morocco: I, therefore, James R. Leib, Commissioner as aforesaid, do conclude the foregoing treaty and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of North America, by and with the advice and consent of the Senate.

In testimony whereof I have hereunto affixed my signature and the seal of this consulate, on the first day of October, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the United States the sixty-first.

[SEAL.] JAMES R. LEIB.

1865.

CONVENTION* BETWEEN THE UNITED STATES, AUSTRIA, BELGIUM, FRANCE, GREAT BRITAIN, ITALY, THE NETHERLANDS, PORTUGAL, SPAIN, AND SWEDEN AND NORWAY, ON THE ONE PART, AND THE SULTAN OF MOROCCO, ON THE OTHER PART, CONCERNING THE ADMINISTRATION AND UPHOLDING OF THE LIGHT-HOUSE AT CAPE SPARTEL.

Concluded May 31, 1865; *ratifications exchanged at Tangier February* 14, 1867; *proclaimed March* 12, 1867.

In the name of the only God! There is no strength nor power but of God.

His Excellency the President of the United States of America, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the Belgians, Her Majesty the Queen of Spain, His Majesty the Emperor of the French, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the King of Italy, His Majesty the King of the Netherlands, His Majesty the King of Portugal and the Algarves, His Majesty the King of Sweden and Norway, and His Majesty the Sultan of Morocco and of Fez, moved by a like desire to assure the safety of navigation along the coasts of Morocco, and desirous to provide, of common accord, the measures most proper to attain this end, have resolved to conclude a special convention, and have for this purpose appointed their Plenipotentiaries, to wit:

Negotiators.

His Excellency the President of the Republic of the United States; Jesse Harlan McMath, esquire, his Consul-General near his Majesty the Sultan of Morocco;

His Majesty the Emperor of Austria, King of Hungary and of Bohemia: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, his General Agent ad interim near his Majesty the Sultan of Morocco;

His Majesty the King of the Belgians: Ernest Daluin, knight of his Order of Leopold, commander of number of the Order of Isabella the Catholic, of Spain, commander of the Order of Nichan Eftikhar of Tunis, his Consul-General for the west coast of Africa;

Her Majesty the Queen of Spain: Don Francisco Merry y Colom,

* Translation. The original convention is in the French and Arabic languages.

Grand Cross of the Order of Isabella the Catholic, knight of the Order of St. John of Jerusalem, decorated with the Imperial Ottoman Order of Medjidie of the 3d class, officer of the Order of the Legion of Honor, her Minister Resident near his Majesty the Sultan of Morocco;

His Majesty the Emperor of the French: Auguste Louis Victor, Baron Aymé d'Aquin, officer of the Legion of Honor, commander of the Order of Francis the First of the Two Sicilies, commander of the Order of St. Maurice and Lazarus of Italy, commander of the Order of Christ of Portugal, commander of the Order of the Lion of Brunswick, knight of the Order of Constantine of the Two Sicilies, knight of the Order of Guelphs of Hanover, his Plenipotentiary near His Majesty the Sultan of Morocco;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, her Minister Resident near his Majesty the Sultan of Morocco;

His Majesty the King of Italy: Alexander Verdinois, knight of the Order of St. Maurice and Lazarus, Agent and Consul-General of Italy near His Majesty the Sultan of Morocco;

His Majesty the King of the Netherlands: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, Acting Consul-General of the Netherlands in Morocco;

His Majesty the King of Portugal and the Algarves: José Daniel Colaço, commander of his Order of Christ, knight of the Order of the Rose of Brazil, his Consul-General near His Majesty the Sultan of Morocco;

His Majesty the King of Sweden and of Norway: Selim d'Ehrenhoff, knight of the Order of Wasa, his Consul-General near His Majesty the Sultan of Morocco;

And His Majesty the Sultan of Morocco and of Fez, the Literary Sid Mohammed Bargash, his Minister for Foreign Affairs—

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

Article I.

His Majesty Scherifienne, having, in an interest of humanity, ordered the construction, at the expense of the Government of Morocco, of a light-house at Cape Spartel, consents to devolve, throughout the duration of the present convention, the superior direction and administration of this establishment on the representatives of the contracting Powers. It is well understood that this delegation does not import any encroachment on the rights, proprietary and of sovereignty, of the Sultan, whose flag alone shall be hoisted on the tower of the Pharos.

The direction of the light-house at Cape Spartel.

Article II.

The Government of Morocco not at this time having any marine either of war or commerce, the expenses necessary for upholding and managing the light-house shall be borne by the contracting Powers by means of an annual contribution, the quota of which shall be alike for all of them. If, hereafter, the Sultan should have a naval or commercial marine, he binds himself to take share in the expenses in like proportion with the other subscribing Powers. The expenses of repairs, and in need of reconstruction, shall also be at his cost.

The expenses of management.

Article III.

Guard for the light-house.

The Sultan will furnish for security of the light-house a guard, composed of a Kaid and four soldiers. He engages, besides, to provide for, by all the means in his power, in case of war, whether internal or external, the preservation of this establishment, as well as for the safety of the keepers and persons employed. On the other part, the contracting Powers bind themselves, each so far as concerned, to respect the neutrality of the light-house, and to continue the payment of the contribution intended to uphold it, even in case (which God forbid) hostilities should break out either between them or between one of them and the Empire of Morocco.

Article IV.

Superintendence of the establishment.

The representatives of the contracting Powers, charged in virtue of Article I of the present convention, with the superior direction and management of the light-house, shall establish the necessary regulations for the service and superintendence of this establishment, and no modification shall be afterward applied to these articles, except by common agreement between the contracting Powers.

Article V.

Duration of convention.

The present convention shall continue in force for ten years. In case, within six months of the expiration of this term, none of the high contracting parties should, by official declaration, have made known its purpose to bring to a close, so far as may concern it, the effects of this convention, it shall continue in force for one year more, and so from year to year, until due notice.

Article VI.

Execution of the engagements hereof.

The execution of the reciprocal engagements contained in the present convention is subordinated, so far as needful, to the accomplishment of the forms and regulations established by the constitutional laws of those of the high contracting Powers who are held to ask for their application thereto, which they bind themselves to do with the least possible delay.

Article VII.

Ratifications.

The present convention shall be ratified, and the ratifications be exchanged at Tangier as soon as can be done.

In faith whereof the respective Plenipotentiaries have signed and affixed thereto the seals of their arms.

Done in duplicate original, in French and in Arabic, at Tangier, protected of God, the fifth day of the moon of Moharrem, year of the Hegira 1282, which corresponds with the 31st of the month of May of the year one thousand eight hundred and sixty-five.

[SEAL.]	JESSE H. MCMATH.
[SEAL.]	J. H. DRUMMOND HAY.
[SEAL.]	ERNEST DALUIN.
[SEAL.]	FRANCISCO MERRY Y COLOM.
[SEAL.]	AYMÉ D'AQUIN.
[SEAL.]	J. H. DRUMMOND HAY.
[SEAL.]	ALEX'RE VERDINOIS.
[SEAL.]	J. H. DRUMMOND HAY.
[SEAL.]	JOSÉ DANIEL COLAÇO.
[SEAL.]	S. D'EHRENHOFF.
[SEAL.]	[Signature of Sid Mohammed Bargash, in Arabic.]

1880.

CONVENTION* BETWEEN THE UNITED STATES, AUSTRIA, BELGIUM, DENMARK, GERMANY, FRANCE, GREAT BRITAIN, ITALY, MOROCCO, THE NETHERLANDS, PORTUGAL, SPAIN, AND SWEDEN AND NORWAY, FOR THE ESTABLISHMENT OF THE RIGHT OF PROTECTION IN MOROCCO.

Concluded July 3, 1880; ratifications of a majority of the signatory powers exchanged at Tangiers May 1, 1881; ratification of the United States delivered to Minister for Foreign Affairs of Morocco March 9, 1882; proclaimed December 21, 1881.

[Translation.]

His Excellency the President of the United States of America; His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain; His Excellency the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Majesty the King of Italy; His Majesty the Sultan of Morocco; His Majesty the King of the Netherlands; His Majesty the King of Portugal and the Algarves; His Majesty the King of Sweden and Norway;

Having recognized the necessity of establishing, on fixed and uniform bases, the exercise of the right of protection in Morocco, and of settling certain questions connected therewith, have appointed as their plenipotentiaries at the conference assembled for that purpose at Madrid, to wit:

His Excellency the President of the United States of America, General Lucius Fairchild, Envoy Extraordinary and Minister Plenipotentiary of the United States near his Catholic Majesty; Negotiators.

His Majesty the Emperor of Germany, King of Prussia, Count Eberhardt de Solms-Sonnewalde, Knight Commander of the first class of his Order of the Red Eagle with oak leaves, Knight of the Iron Cross, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the Emperor of Austria, King of Hungary, Count Emanuel Ludolf, his Privy Councillor in actual service, Grand Cross of the Imperial Order of Leopold, Knight of the first class of the Order of the Iron Crown, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the King of the Belgians, Mr. Edward Anspach, Officer of his Order of Leopold, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near his Catholic Majesty;

His Majesty the King of Spain, Don Antonio Cánovas del Castillo, Knight of the distinguished Order of the Golden Fleece, etc., etc., President of his Council of Ministers;

His Excellency the President of the French Republic, Vice-Admiral Jaurès, Senator, Knight Commander of the Legion of Honor, etc., etc., Ambassador of the French Republic near His Catholic Majesty;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honorable Lionel Sackville Sackville West, her Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty

*Translation. The original convention is in the French language.

who is likewise authorized to represent His Majesty the King of Denmark;

His Majesty the King of Italy, Count Joseph Greppi, Grand Officer of the Order of Saint Maurice and Saint Lazarus, of that of the Crown of Italy, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the Sultan of Morocco, the Taleb Sid Mohammed Vargas, his Minister of Foreign Affairs and Ambassador Extraordinary;

His Majesty the King of the Netherlands, Jonkheer Maurice de Heldewier, Commander of the Royal Order of the Lion of the Netherlands, Knight of the Order of the Oaken Crown of Luxemburg, etc., etc., his Minister Resident near His Catholic Majesty;

His Majesty the King of Portugal and the Algarves, Count de Casal Ribeiro, Peer of the Realm, Grand Cross of the Order of Christ, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the King of Sweden and Norway, Mr. Henry Akerman, Knight Commander of the first class of the Order of Wasa, etc., etc., his Minister Resident near His Catholic Majesty;

Who, in virtue of their full powers, recognized as being in good and due form, have agreed upon the following articles:

ARTICLE 1.

Conditions of protection.

The conditions under which protection may be conceded are those established in the British and Spanish treaties with the Government of Morocco, and in the convention made between that Government, France and other powers in 1863, with the modifications introduced by the present convention.

ARTICLE 2.

Interpreters and employees of the heads of legations.

Foreign Representatives at the head of a Legation may select their interpreters and employees from among the subjects of Morocco or others.

These protected persons shall be subject to no duty, impost or tax whatever, other than those stipulated in articles 12 and 13.

ARTICLE 3.

Consuls' employees.

Consuls, Vice consuls or Consular Agents having charge of a post, and residing within the territory of the Sultan of Morocco, shall be allowed to select but one interpreter, one soldier and two servants from among the subjects of the Sultan, unless they may require a native secretary.

These protected persons shall, in like manner, be subject to no duty, impost or tax whatever, other than those stipulated in articles 12 and 13.

ARTICLE 4.

Subjects of Morocco as United States consular agents.

If a Representative shall appoint a subject of the Sultan to the office of Consular Agent in a town on the coast, such agent shall be respected and honored, as shall the members of his family occupying the same dwelling with him, and they, like him shall be subject to no duty, impost or tax whatever, other than those stipulated in articles 12 and 13; but he shall not have the right to protect any subjects of the Sultan other than the members of his own family.

He may, however, for the exercise of his functions, have a protected soldier.

Officers in acting charge of Vice Consulates being subjects of the Sultan, shall, during the exercise of their functions, enjoy the same rights as Consular Agents who are subjects of the Sultan.

ARTICLE 5.

The Government of Morocco recognizes the right of Ministers, Chargés d'Affaires and other Representatives, which is granted to them by treaties, to select the persons whom they employ, either in their own service or that of their governments, unless such persons shall be sheiks or other employees of the Government of Morocco, such as soldiers of the line or of the cavalry, excepting the Maghaznias appointed as their guard. In like manner they shall not be permitted to employ any subject of Morocco who is under prosecution. Rights of diplomatic officers.

It is understood that civil suits commenced before protection, shall be terminated before the courts which have instituted such proceedings. The execution of the sentence shall suffer no hindrance. Nevertheless, the local authorities of Morocco shall take care to communicate, without delay, the sentence pronounced, to the Legation, Consulate or Consular Agency upon which the protected person is dependent. Civil suits.

As to those persons formerly protected, who may have a suit which was commenced before protection was withdrawn from them, their case shall be tried by the court before which it was originally brought.

The right of protection shall not be exercised towards persons under prosecution for an offense or crime, before they have been tried by the authorities of the country, or before their sentence, if any has been pronounced, has been executed. Persons under prosecution for offenses.

ARTICLE 6.

Protection shall extend to the family of the person protected. His dwelling shall be respected. Protection extends to family.

It is understood that the family is to consist only of the wife, the children, and the minor relatives dwelling under the same roof.

Protection shall not be hereditary. A single exception, which was established by the convention of 1863, but which is not to create a precedent, shall be maintained in favor of the Benchimol family.

Nevertheless, if the Sultan of Morocco shall grant another exception, each of the contracting powers shall be entitled to claim a similar concession.

ARTICLE 7.

Foreign representatives shall inform the Sultan's Minister of Foreign Affairs, in writing, of any selections of an employee made by them. Foreign representatives to furnish names of persons protected by them.

They shall furnish annually to the said Minister a list of the names of the persons protected by them or by their Agents throughout the States of the Sultan of Morocco.

This list shall be transmitted to the local authorities, who shall consider as persons enjoying protection only those whose names are contained therein.

ARTICLE 8.

Consular officers shall transmit each year to the authorities of the district in which they reside a list, bearing their seal, of the persons protected by them. These authorities shall transmit it to the Minister of Foreign Affairs, to the end that, if it be not conformable to the regulations, the Representatives at Tangier may be informed of the fact.

Consular officers to furnish names of persons protected by them.

A consular officer shall be required to give immediate information of any changes that may have taken place among the persons protected by his Consulate.

ARTICLE 9.

Servants, farmers and other native employees of native secretaries and interpreters shall not enjoy protection. The same shall be the case with Moorish employees or servants of foreign subjects.

Certain persons not protected.

Nevertheless, the local authorities shall not arrest an employee or servant of a native officer in the service of a Legation or Consulate, or of a foreign subject or protected person, without having notified the authority upon which he is dependent.

If a subject of Morocco in the service of a foreign subject shall kill or wound any person, or violate his domicile, he shall be arrested immediately, but the diplomatic or consular authority under which he is shall be notified without delay.

Crimes.

ARTICLE 10.

Nothing is changed with regard to the situation of brokers, as established by the treaties and by the convention of 1863, except what is stipulated, relative to taxes, in the following articles.

Brokers.

ARTICLE 11.

The right to hold property is recognized in Morocco as belonging to all foreigners.

The purchase of property must take place with the previous consent of the Government, and the title of such property shall be subject to the forms prescribed by the laws of the country.

Privileges of foreigners in Morocco in regard to property.

Any question that may arise concerning this right shall be decided according to the same laws, with the privilege of appeal to the Minister of Foreign Affairs stipulated in the treaties.

ARTICLE 12.

Foreigners and protected persons who are the owners or tenants of cultivated land, as well as brokers engaged in agriculture, shall pay the agricultural tax. They shall send to their Consul annually, an exact statement of what they possess delivering into his hands the amount of the tax.

Agricultural tax.

He who shall make a false statement, shall be fined double the amount of the tax that he would regularly have been obliged to pay for the property not declared. In case of repeated offense this fine shall be doubled.

The nature, method, date and apportionment of this tax shall form the subject of a special regulation between the Representatives of the Powers and the Minister of Foreign Affairs of His Shereefian Majesty.

ARTICLE 13.

Foreigners, protected persons and brokers owning beasts of burden shall pay what is called the gate-tax. The apportionment and the manner of collecting this tax which is paid alike by foreigners and natives, shall likewise form the subject of a special regulation between the Representatives of the Powers and the Minister of Foreign Affairs of His Shereefian Majesty.

Gate-tax.

The said tax shall not be increased without a new agreement with the Representatives of the Powers.

ARTICLE 14.

The mediation of interpreters, native secretaries or soldiers of the different Legations or Consulates, when persons who are not under the protection of the Legation or Consulate are concerned shall be admitted only when they are the bearers of a document signed by the head of a mission or by the consular authority.

Mediation of officers of legations and consulates.

ARTICLE 15.

Any subject of Morocco who has been naturalized in a foreign country, and who shall return to Morocco, shall after having remained for a length of time equal to that which shall have been regularly necessary for him to obtain such naturalization, choose between entire submission to the laws of the Empire and the obligation to quit Morocco, unless it shall be proved that his naturalization in a foreign country was obtained with the consent of the Government of Morocco.

Return of a subject of Morocco who has been naturalized in a foreign country.

Foreign naturalization heretofore acquired by subjects of Morocco according to the rules established by the laws of each country, shall be continued to them as regards all its effects, without any restriction.

ARTICLE 16.

No irregular or unofficial protection shall be granted in future. The authorities of Morocco will recognize no protection, of any kind whatever, save such as is expressly provided for in this convention.

No irregular or unofficial protection.

Nevertheless, the exercise of the customary right of protection shall be reserved for those cases only in which it may be desired to reward signal services rendered by a native of Morocco to a foreign power, or for other altogether exceptional reasons.

Protection under certain cases.

The Minister of Foreign Affairs at Tangier shall be previously informed of the nature of the services, and notified of the intention to reward them, in order that he may, if need be, present his observations thereon; yet the final decision shall be reserved for the Government to which the service shall have been rendered.

The number of persons thus protected shall not exceed twelve for each power, and this number is fixed as the maximum unless the consent of the Sultan shall be obtained.

The status of persons who have obtained protection in virtue of the custom which is henceforth to be regulated by this stipulation shall be without limitation of the number of persons belonging to this class and now so protected, the same for themselves and their families as that which is established for other protected persons.

ARTICLE 17.

Most favored nation. The right to the treatment of the most favored nation is recognized by Morocco as belonging to all the powers represented at the Madrid conference.

ARTICLE 18.

Ratifications. This convention shall be ratified. The ratifications shall be exchanged at Tangier with as little delay as possible.

By exceptional consent of the high contracting parties the stipulations of this convention shall take effect on the day on which it is signed at Madrid.

In faith whereof the respective plenipotentiaries have signed this convention, and have thereunto affixed the seals of their arms.

Done at Madrid, in thirteen originals, this third day of July, one thousand eight hundred and eighty.

[SEAL.]	LUCIUS FAIRCHILD.
[SEAL.]	E. DE SOLMS.
[SEAL.]	E. LUDOLF.
[SEAL.]	ANSPACH.
[SEAL.]	A. CÁNOVAS DEL CASTILLO.
[SEAL.]	JAURÈS.
[SEAL.]	L. S. SACKVILLE WEST.
[SEAL.]	J. GREPPI.
[SEAL.]	MOHAMMED VARGAS. (In Arabic characters.)
[SEAL.]	HELDEWIER.
[SEAL.]	CASAL RIBIERO.
[SEAL.]	AKERMAN.

Regulations relative to protection adopted by common consent by the Legation of France and the Government of Morocco, August 19, 1863, referred to in Article 10.*

Protection is individual and temporary.

It consequently does not in general apply to the relatives of the person protected. It may apply to his family, that is to say, to his wife and children living under the same roof. It lasts at the longest for a person's lifetime and is never hereditary, with the single exception of the Benchimol family, which has furnished for several generations and still furnishes persons who act in the capacity of Brokers and interpreters for the post at Tangier.

Protected persons are divided into two classes.

The first class comprises natives employed by the Legation and by the various French consular officers.

The second class consists of native factors, brokers, or agents, employed by French merchants for their business affairs. It is proper here to refer to the fact that the term merchant is only applied to a person carrying on the import or export trade on a large scale, either in his own name or as the agent of others.

The number of native brokers enjoying French protection is limited to two for each commercial house.

By way of exception commercial firms having establishments in different ports may have two brokers attached to each of these establishments, who may as such enjoy French protection.

* Translated from the French.

French protection is not extended to natives employed by French citizens in agricultural occupations.

Nevertheless, in consideration of the existing state of things, and by agreement with the authorities of Morocco, the benefit of the protection which has hitherto been granted to the persons referred to in the foregoing paragraph shall be extended to the said persons for two months from the first of September next.

It is, moreover, understood that agricultural laborers, herdsmen, or other native peasants, in the service of French citizens shall not be legally prosecuted without immediate information thereof being communicated to the competent consular officer, in order that the latter may protect the interests of his countrymen.

The list of all protected persons shall be delivered by the proper consulate to the competent magistrate of the place, who shall likewise be informed of any changes that may subsequently be made in the said list.

Each protected person shall be furnished with a card in French and in Arabic, mentioning his name and stating the services which secure this privilege to him.

All these cards shall be issued by the Legation of France at Tangier.

TANGIER, *Aug.* 19, 1863

MUSCAT.

1833.

TREATY OF AMITY AND COMMERCE.

Concluded September 21, 1833; *ratifications exchanged at Muscat Septem ber* 30, 1835; *proclaimed June* 24, 1837.

ARTICLE I.

Perpetual peace.

There shall be a perpetual peace between the United States of America and Seyed Syeed Bin, Sultan, and his dependencies.

ARTICLE II.

Citizens of United States may enter all the ports of the Sultan with their cargoes.

The citizens of the United States shall have free liberty to enter all the ports of His Majesty Seyed Syeed Bin, Sultan, with their cargoes, of whatever kind the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the Sultan, or others who may wish to buy the same, or to barter the same for any produce or manufactures of the kingdom, or other articles that may be found there. No price shall be fixed by the Sultan, or his officers, on the articles to be sold by the merchants of the United States or the merchandise they may wish to purchase; but the trade shall be free on both sides to sell or buy, or exchange, on the terms and for the prices the owners may think fit; and whenever the said citizens of the United States may think fit to depart, they shall be at liberty so to do; and if any officer of the Sultan shall contravene this article, he shall be severely punished. It is understood and agreed, however, that the articles of muskets, powder, and ball can only be sold to the Government in the island of Zanzibar; but, in all the other ports of the Sultan, the said munitions of war may be freely sold, without any restrictions whatever, to the highest bidder.

ARTICLE III.

Duties payable by vessels of the United States.

Vessels of the United States entering any port within the Sultan's dominions shall pay no more than five per cent. duties on the cargo landed; and this shall be in full consideration of all import and export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever; nor shall any charge be paid on that part of the cargo which may remain on board unsold and re-exported; nor shall any charge whatever be paid on any vessel of the United States which may enter any of the ports of His Majesty for the purpose of refitting, or for refreshments, or to inquire the state of the market.

Article IV.

The American citizen shall pay no other duties on export or import, tonnage, license to trade, or other charge whatsoever, than the nation the most favoured shall pay.

Americans to pay no other duties than most favored nations.

Article V.

If any vessel of the United States shall suffer shipwreck on any part of the Sultan's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained, at the expense of the Sultan, until they shall find an opportunity to be returned to their country, (for the Sultan can never receive any remuneration whatever for rendering succour to the distressed;) and the property saved from such wreck shall be carefully preserved and delivered to the owner, or the Consul of the United States, or to any authorized agent.

Assistance to shipwrecked vessels of United States.

Article VI.

The citizens of the United States resorting to the ports of the Sultan for the purpose of trade shall have leave to land and reside in the said ports without paying any tax or imposition whatever for such liberty other than the general duties on imports which the most favoured nation shall pay.

American merchants not to be taxed.

Article VII.

If any citizens of the United States, or their vessels or other property, shall be taken by pirates and brought within the dominions of the Sultan, the persons shall be set at liberty, and the property restored to the owner, if he is present, or to the American Consul, or to any authorized agent.

Citizens of United States taken by pirates to be set at liberty.

Article VIII.

Vessels belonging to the subjects of the Sultan which may resort to any port in the United States shall pay no other or higher rate of duties or other charges than the nation the most favoured shall pay.

Vessels of the Sultan to pay no higher duties in United States than most favored nation.

Article IX.

The President of the United States may appoint Consuls to reside in the ports of the Sultan where the principal commerce shall be carried on, which Consuls shall be the exclusive judges of all disputes or suits wherein American citizens shall be engaged with each other. They shall have power to receive the property of any American citizen dying within the kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized, nor shall any of their household be arrested, but their persons and property and their houses shall be inviolate. Should any Consul, however, commit any offence against the laws of the kingdom, complaint shall be made to the President, who will immediately displace him.

President of United States may appoint Consuls. Their duties.

Concluded, signed, and sealed at the Royal Palace, in the city of Muscat, in the Kingdom of Aman, the twenty-first day of September, in the year one thousand eight hundred and thirty-three of the Christian era, and the fifty-seventh year of the Independence of the United States of America, corresponding to the sixth day of the moon, called Iamada Alawel, in the year of the Allhajra (Hegira) one thousand two hundred and forty-nine.

[SEAL.] EDMUND ROBERTS.

Whereas the undersigned, Edmund Roberts, a citizen of the United States of America, and a resident of Portsmouth, in the State of New Hampshire, being duly appointed a Special Agent by letters-patent, under the signature of the President and seal of the United States of America, bearing date, at the city of Washington, the twenty-sixth day of January, anno Domini one thousand eight hundred and thirty-two, for negotiating and concluding a treaty of amity and commerce between the United States of America and His Majesty Seyed Syeed Bin, Sultan of Muscat:

Now, know ye, that I, Edmund Roberts, Special Agent as aforesaid, do conclude the foregoing treaty of amity and commerce, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the United States.

Ratification.

Done at the Royal Palace, in the city of Muscat, in the Kingdom of Aman, on the twenty-first day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States of America the fifty-seventh, corresponding to the sixth day of the moon, called Iamada Alawel, in the year of Allhajra (Hegira) one thousand two hundred and forty-nine.

EDMUND ROBERTS.

NASSAU.

1846.*

CONVENTION FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE AND TAXES ON EMIGRATION.

Concluded May 27, 1846; *ratifications exchanged at Berlin October* 13, 1846; *proclaimed January* 6, 1847.

The United States of America and His Royal Highness the Duke of Nassau, having resolved, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named for this purpose their respective Plenipotentiaries, namely:

The President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia, and His Royal Highness the Duke of Nassau upon his Minister Resident at the Royal Court of Prussia, Colonel and Chamberlain, Otto Wilhelm Carl von Roeder, comthur of the 1st class of the Ducal Order of Henry the Lion, etc., etc.; Negotiators

Who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

ARTICLE I.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration is hereby and shall remain abolished between the two contracting parties, their States, citizens, and subjects, respectively. Droit d'aubaine abolished.

ARTICLE II.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same—which term may be reasonably prolonged according to circumstances—and to withdraw the proceeds thereof without molestation, and exempt from all duties of detraction. Heirs to real property allowed to sell the same and withdraw the proceeds.

*See notes: "Abrogated, suspended, or obsolete treaties."

ARTICLE III.

Citizens and subjects of each party may dispose of, by will or otherwise, their personal property in the States of the other. Duties to be the same as paid by inhabitants.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property, within the States of the other, by testament, donation, or otherwise, and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

Property of absent heirs.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property, as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to Article II, may take measures to receive or dispose of the inheritance.

ARTICLE V.

Disputes to be settled by local laws.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws and by the judges of the country where the property is situated.

ARTICLE VI.

Stipulation of present convention to apply to property already inherited but not yet withdrawn.

All the stipulations of the present convention shall be obligatory in respect to property already inherited or bequeathed, but not yet withdrawn from the country where the same is situated, at the signature of this convention.

ARTICLE VI.

Ratifications.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of His Royal Highness the Duke of Nassau, and the ratifications thereof shall be exchanged at Berlin, within the term of twelve months from the date of the signature hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

Done in triplicata, in the city of Berlin, on the 27th day of May, one thousand eight hundred and forty-six, in the 70th year of the Independence of the United States of America and the seventh of the reign of His Royal Highness the Duke of Nassau.

[SEAL.] HENRY WHEATON.
[SEAL.] OTTO WILHELM CARL v. ROEDER.

NETHERLANDS.

1782.*

TREATY OF AMITY AND COMMERCE

Concluded October 8, 1782; *ratified by the Continental Congress January* 23, 1783; *proclaimed January* 23, 1783.

Their High Mightinesses the States General of the United Netherlands and the United States of America, to wit, New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticutt, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to ascertain, in a permanent and equitable manner, the rules to be observed relative to the commerce and correspondence which they intend to establish between their respective States, countries, and inhabitants, have judged that the said end cannot be better obtained than by establishing the most perfect equality and reciprocity for the basis of their agreement, and by avoiding all those burdensome preferences which are usually the sources of debate, embarrassment, and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, such ulterior regulations as it shall find most convenient to itself; and by founding the advantages of commerce solely upon reciprocal utility and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages.

On these principles their said High Mightinesses the States General of the United Netherlands have named for their Plenipotentiaries, from the midst of their assembly, Messieurs their Deputies for the Foreign Affairs; and the said United States of America, on their part, have furnished with full powers Mr. John Adams, late Commissioner of the United States of America at the Court of Versailles, heretofore Delegate in Congress from the State of Massachusetts Bay, and chief justice of the said State, who have agreed and concluded as follows, to witt:

ARTICLE I.

There shall be a firm, inviolable, and universal peace and sincere friendship between their High Mightinesses the Lords the States General of the United Netherlands and the United States of America and between the subjects and inhabitants of the said parties, and between the countries, islands, cities, and places situated under the jurisdiction of the said United Netherlands and the said United States of America, their subjects and inhabitants, of every degree, without exception of persons or places. Declaration of amity.

* See Notes: "Abrogated, suspended, or obsolete treaties."

ARTICLE II.

Subjects of United Netherlands shall have the same privileges in the United States as the most favored nation.

The subjects of the said States General of the United Netherlands shall pay in the ports, havens, roads, countries, islands, cities, or places of the United States of America, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, priviledges, immunities, and exemptions in trade, navigation, and commerce which the said nations do or shall enjoy, whether in passing from one port to another in the said States, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

ARTICLE III.

Citizens of United States shall have the same privileges in United Netherlands as the most favored nation.

The subjects and inhabitants of the said United States of America shall pay in the ports, havens, roads, countries, islands, cities, or places of the said United Netherlands, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, priviledges, immunities, and exemptions in trade, navigation, and commerce which the said nations do or shall enjoy, whether in passing from one port to another in the said States, or from any one towards any one of those ports from or to any foreign port of the world. And the United States of America, with their subjects and inhabitants, shall leave to those of their High Mightinesses the peaceable enjoyment of their rights in the countries, islands, and seas, in the East and West Indies, without any hindrance or molestation.

ARTICLE IV.

Liberty of conscience secured to the citizens of each party in the other's dominions.

There shall be an entire and perfect liberty of conscience allowed to the subjects and inhabitants of each party, and to their families; and no one shall be molested in regard to his worship, provided he submits, as to the public demonstration of it, to the laws of the country: There shall be given, moreover, liberty, when any subjects or inhabitants of either party shall die in the territory of the other, to bury them in the usual burrying-places, or in decent and convenient grounds to be appointed for that purpose, as occasion shall require; and the dead bodies of those who are burried shall not in any wise be molested. And the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates in cases of deaths in which they shall be interested.

ARTICLE V.

Both parties to protect vessels of the other in their dominions, to restore them when captured, and to convoy in certain cases.

Their High Mightinesses the States General of the United Netherlands and the United States of America shall endeavor, by all the means in their power, to defend and protect all vessells and other effects, belonging to their subjects and inhabitants, respectively, or to any of them, in their ports, roads, havens, internal seas, passes, rivers, and as far as their jurisdiction extends at sea, and to recover, and cause to be restored

to the true proprietors, their agents, or attornies, all such vessells and effects, which shall be taken under their jurisdiction: And their vessells of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessells belonging to the subjects and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places, with which one of the parties is in peace and the other at war, nor destined for any place block[ad]ed, and which shall hold the same course or follow the same rout; and they shall defend such vessells, as long as they shall hold the same course or follow the same rout, against all attacks, force, and violence of the common enemy, in the same manner as they ought to protect and defend the vessells belonging to their own respective subjects.

Article VI.

The subjects of the contracting parties may, on one side and on the other, in the respective countries and States, dispose of their effects by testament, donation, or otherwise; and their heirs, subjects of one of the parties, and residing in the country of the other, or elsewhere, shall receive such successions, even ab intestato, whether in person or by their attorney or substitute, even although they shall not have obtained letters of naturalization, without having the effect of such commission contested under pretext of any rights or prerogatives of any province, city, or private person: And if the heirs to whom such successions may have fallen shall be minors, the tutors or curators established by the judge domiciliary of the said minors may govern, direct, administer, sell, and alienate the effects fallen to the said minors by inheritance, and, in general, in relation to the said successions and effects, use all the rights and fullfill all the functions which belong, by the disposition of the laws, to guardians, tutors, and curators: Provided, nevertheless, that this disposition cannot take place but in cases where the testator shall not have named guardians, tutors, curators, by testament, codicil, or other legal instrument.

Citizens of either party may dispose of estate by will or otherwise.

Regulations concerning the same.

Article VII.

It shall be lawfull and free for the subjects of each party to employ such advocates, attorneys, notaries, solicitors, or factors as they shall judge proper.

Subjects of each party may employ such advocates as they think proper.

Article VIII.

Merchants, masters and owners of ships, mariners, men of all kinds, ships and vessells, and all merchandizes and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized or detained in any of the countries, lands, islands, cities, places, ports, shores, or dominions whatsoever of the other confederate, for any military expedition, publick or private use of any one, by arrests, violence, or any colour thereof; much less shall it be permitted to the subjects of either party to take or extort by force anything from the subjects of the other party, without the consent of the owner; which, however, is not to be understood of seizures, detentions, and arrests which shall be made by the command and authority of justice, and by the ordinary methods, on account of debts or crimes, in respect whereof the proceedings must be by way of law, according to the forms of justice.

Vessels not to be detained.

ARTICLE IX.

Privileges of citizens of one nation in the territory of the other in business affairs.

It is further agreed and concluded that it shall be wholly free for all merchants, commanders of ships, and other subjects and inhabitants of the contracting parties, in every place subjected to the jurisdiction of the two Powers respectively, to manage themselves their own business; and moreover, as to the use of interpreters or brokers, as also in relation to the loading or unloading of their vessells, and everything which has relation thereto, they shall be, on one side and on the other, considered and treated upon the footing of natural subjects, or, at least, upon an equality with the most favored nation.

ARTICLE X.

Merchant ships coming from an enemy's port shall exhibit sea-letters, and, if no contraband goods are on board, shall pass.

The merchant-ships of either of the parties, coming from the port of an enemy, or from their own, or a neutral port, may navigate freely towards any port of an enemy of the other ally: They shall be, nevertheless, held, whenever it shall be required, to exhibit, as well upon the high seas as in the ports, their sea-letters and other documents described in the twenty-fifth article, stating expressly that their effects are not of the number of those which are prohibited as contraband; and not having any contraband goods for an enemy's port, they may freely, and without hindrance, pursue their voyage towards the port of an enemy. Nevertheless, it shall not be required to examine the papers of vessells convoyed by vessells of war, but credence shall be given to the word of the officer who shall conduct the convoy.

ARTICLE XI.

Mode of proceeding when contraband goods are discovered.

If, by exhibiting the sea-letters and other documents described more particularly in the twenty-fifth article of this treaty, the other party shall discover there are any of those sorts of goods which are declared prohibited and contraband, and that they are consigned for a port under the obedience of his enemy, it shall not be lawfull to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessells found therein, or to remove the smallest parcell of her goods, whether the said vessell belongs to the subjects of their High Mightinesses the States General of the United Netherlands or to the subjects or inhabitants of the said United States of America, unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventary thereof made; but there shall be no allowance to sell, exchange, or alienate the same untill after that due and lawfull process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronounced, shall have confiscated the same, saving always as well the ship itselff as any other goods found therein, which are to be esteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much less shall they be confiscated as lawfull prize: But, on the contrary, when, by the visitation at land, it shall be found that there are no contraband goods in the vessell, and it shall not appear by the papers that he who has taken and carried in the vessell has been able to discover any there, he ought to be condemned in all the charges, damages, and interests of them, which he shall have caused, both to the owners of vessells and to the owners and freighters of cargoes with which they shall be loaded, by his temerity in taking and carrying them in; declaring most expressly the free vessells shall

assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itselff equally to the persons who shall be found in a free vessell, who may not be taken out of her, unless they are military men actually in the service of an enemy.

Article XII.

On the contrary, it is agreed that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated in the same manner as if it belonged to the enemy; except, nevertheless, such effects and merchandizes as were put on board such vessell before the declaration of war, or in the space of six months after it, which effects shall not be, in any manner, subject to confiscation, but shall be faithfully and without delay restored in nature to the owners who shall claim them, or cause them to be claimed, before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be publick: Provided, nevertheless, that if the said merchandizes are contraband, it shall by no means be lawfull to transport them afterwards to any port belonging to enemies.

Goods found in an enemy's ship liable to be confiscated, unless put on board before declaration of war or within six months after.

Article XIII.

And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessells of war or privateers of the other party, it shall be forbidden to all commanders of vessells of war and other armed vessells of the said States General of the United Netherlands and the said United States of America, as well as to all their officers, subjects, and people, to give any offence or do any damage to those of the other party: And if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make satisfaction for all damages and interests thereof, by reparation, under pain and obligation of their persons and goods.

Vessels of war or privateers to do no injury to either party; if they do, to be punished and make reparation.

Article XIV.

For further determining of what has been said, all captains of privateers or fitters-out of vessells armed for war, under commission and on account of private persons, shall be held, before their departure, to give sufficient caution, before competent judges, either to be entirely responsible for the malversations which they may commit in their cruizes or voyages, as well as for the contraventions of their captains and officers against the present treaty, and against the ordinances and edicts which shall be published in consequence of and conformity to it, under pain of forfeiture and nullity of the said commissions.

Captains of privateers to give sufficient caution, to be responsible for their malversations.

Article XV.

All vessells and merchandizes of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high seas without requisite commissions, shall be brought into some port of one of the two States, and deposited in the hands of the officers of that port, in order to be restored en-

Goods rescued from pirates to be restored.

tire to the true proprietor as soon as due and sufficient proofs shall be made concerning the property thereof.

Article XVI.

Shipwrecks.

If any ships or vessells, belonging to either of the parties, their subjects, or people, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other sea-damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof; and the vessells, effects, and merchandizes, or the part of them which shall have been saved, or the proceeds of them, if, being perishable, they shall have been sold, being claimed within a year and a day by the masters or owners, or their agents or attornies, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the salvage, by the proper subjects of the country: There shall also be delivered them safe conducts or passports, for their free and safe passage from thence, and to returne, each one, to his own country.

Article XVII.

When vessels, by stress of weather, shall be forced into ports, they shall be protected and permitted to depart.

In case the subjects or people of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbour, to retract and enter into any of the rivers, creeks, bays, ports, roads, or shores belonging to the other party, they shall be received with all humanity and kindness and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victualls, and all things needfull for the sustenance of their persons or reparation of their ships; and they shall no ways be detained or hindred from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Article XVIII.

In case of war, nine months allowed to citizens residing in the other's dominion to sell and transport their effects.

For the better promoting of commerce on both sides, it is agreed that, if a war should break out between their High Mightinesses the States General of the United Netherlands and the United States of America, there shall always be granted to the subjects on each side the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire, with their effects, and transport them where they please, which it shall be lawfull for them to do, as well as to sell or transport their effects and goods, in all freedom and without any hindrance, and without being able to proceed, during the said term of nine months, to any arrest of their effects, much less of their persons; on the contrary, there shall be given them, for their vessells and their effects, which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary for the voyage. And no prize made at sea shall be adjudged lawfull, at least if the declaration of war was not or could not be known, in the last port which the vessell taken has quitted; but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them, in the interval of the said terms, a compleat satisfaction shall be given them.

Article XIX.

No subject of their High Mightinesses the States General of the United Netherlands shall apply for or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States of America, or any of them, or the subjects and inhabitants of the said United States or any of them, or against the property of the inhabitants of any of them, from any Prince or State with which the said United States of America may happen to be at war: Nor shall any subject or inhabitant of the said United States of America, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the High and Mighty Lords the States General of the United Netherlands, or against the subjects of their High Mightinesses, or any of them, or against the property of any one of them, from any Prince or State with which their High Mightinesses may be at war: And if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

Citizens of neither party shall take commissions or letters of marque from a prince or state with whom the other is at war.

Article XX.

If the vessells of the subjects or inhabitants of one of the parties come upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, or take in any cargoe, they shall not be obliged to pay, neither for the vessells nor the cargoes, any duties of entry in or out, nor to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandizes of contraband.

Vessels coming on the coasts entering the ports of either party, how to be treated.

Article XXI.

The two contracting parties grant to each other, mutually, the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointing, whose functions shall be regulated by particular agreement, whenever either party chuses to make such appointments.

Liberty to appoint consuls.

Article XXII.

This treaty shall not be understood in any manner to derogate from the ninth, tenth, nineteenth, and twenty-fourth articles of the treaty with France, as they were numbered in the same treaty, concluded the sixth of February, 1778, and which make the articles ninth, tenth, seventeenth, and twenty-second of the treaty of commerce now subsisting between the United States of America and the Crown of France: Nor shall it hinder His Catholic Majesty from acceeding to that treaty, and enjoying the advantages of the said four articles.

This treaty not to derogate from treaty with France.

Article XXIII.

If at any time the United States of America shall judge necessary to commence negotiations with the King or Emperor of Marocco and Fez, and with the Regencies of Algiers, Tunis, or Tripoli, or with any of them, to obtain passports for the security of their navigation in the Mediteranean Sea, their High Mightenesses promise that upon the requisition which the United

United Netherlands to aid the United States in forming treaties with the Barbary powers.

States of America shall make of it, they will second such negotiations in the most favorable manner, by means of their Consuls, residing near the said King, Emperor, and Regencies.

CONTRABAND.

Article XXIV.

What goods shall be deemed contraband.

The liberty of navigation and commerce shall extend to all sorts of merchandizes, excepting only those which are distinguished under the name of contraband, or merchandizes prohibited: And under this denomination of contraband and merchandizes prohibited, shall be comprehended only warlike stores and arms, as mortars, artillery, with their artifices and appurtenances, fusils, pistols, bombs, grenades, gunpowder, saltpetre, sulphur, match, bullets and balls, pikes, sabres, lances, halberts, casques, cuirasses, and other sorts of arms, as also soldiers, horses, saddles, and furniture for horses; all other effects and merchandizes, not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessells of war, or for the manufacture of one or another sort of machines of war, by land or sea, shall not be judged contraband, neither by the letter, nor according to any pretended interpretation whatever, ought they, or can they be comprehended under the notion of effects prohibited or contraband: so that all effects and merchandizes, which are not expressly before named, may, without any exception, and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy; excepting only the places which at the same time shall be besieged, blocked, or invested; and those places only shall be held for such which are surrounded nearly by some of the belligerent Powers.

Article XXV.

Regulations respecting passports.

To the end that all dissention and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessells belonging to the subjects or inhabitants of the other ally shall be provided with sea-letters or passports, expressing the name, the property, and the burthen of the vessell, as also the name and the place of abode of the master, or commander of the said vessell, to the end that thereby it may appear that the vessell really and truly belongs to subjects or inhabitants of one of the parties; which passports shall be drawn and distributed, according to the form annexed to this treaty; each time that the vessell shall return, she should have such her passport renewed, or at least they ought not to be of more antient date than two years, before the vessell has been returned to her own country.

It has been also agreed, that such vessells, being loaded, ought to be provided not only with the said passports or sea-letters, but also with a general passport, or with particular passports or manifests, or other publick documents, which are ordinarily given to vessells outward bound in the ports from whence the vessells have set sail in the last place, containing a specification of the cargo, of the place from whence the vessel departed, and of that of her destination, or, instead of all these, with certificates from the magistrates or governors of cities, places,

and colonies from whence the vessell came, given in the usual form, to the end that it may be known whether there are any effects prohibited or contraband, on board the vessells, and whether they are destined to be carried to an enemy's country or not; and in case any one judges proper to express in the said documents the persons to whom the effects on board belong, he may do it freely, without, however, being bound to do it; and the omission of such expression cannot and ought not to cause a confiscation.

Article XXVI.

If the vessells of the said subjects or inhabitants of either of the parties, sailing along the coasts or on the high seas, are met by a vessell of war, or privateer, or other armed vessell of the other party, the said vessells of war, privateers, or armed vessells, for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant vessell, which they shall meet in this manner, upon which they may not pass more than two or three men, to whom the master or commander shall exhibit his passport, containing the property of the vessell, according to the form annexed to this treaty: And the vessell, after having exhibited such a passport, sea-letter, and other documents, shall be free to continue her voyage, so that it shall not be lawfull to molest her, or search her in any manner, nor to give her chase, nor to force her to alter her course.

How ships and vessels are to be treated, when met by ships of war or privateers.

Article XXVII.

It shall be lawfull for merchants, captains and commanders of vessells, whether public and of war, or private and of merchants, belonging to the said United States of America, or any of them, or to their subjects and inhabitants, to take freely into their service, and receive on board of their vessells, in any port or place in the jurisdiction of their High Mightinesses aforesaid, seamen or others, natives or inhabitants of any of the said States, upon such conditions as they shall agree on, without being subject for this to any fine, penalty, punishment, process, or reprehension whatsoever.

Lawful for merchants and commanders of vessels to take into their service seamen and others belonging to either nation.

And reciprocally, all merchants, captains and commanders, belonging to the said United Netherlands, shall enjoy, in all the ports and places under the obedience of the said United States of America, the same priviledge of engaging and receiving seamen or others, natives or inhabitants of any country of the domination of the said States General: Provided, that neither on one side nor the other, they may not take into their service such of their countrymen who have already engaged in the service of the other party contracting, whether in war or trade, and whether they meet them by land or sea; at least if the captains or masters under the command of whom such persons may be found, will not of his own consent discharge them from their service, upon pain of being otherwise treated and punished as deserters.

Article XXVIII.

The affair of the refraction shall be regulated in all equity and justice, by the magistrates of cities respectively, where it shall be judged that there is any room to complain in this respect.

Regulation of refraction.

ARTICLE XXIX.

Ratification. The present treaty shall be ratified and approved by their High Mightinesses the States General of the United Netherlands, and by the United States of America; and the acts of ratification shall be delivered in good and due form, on one side and on the other, in the space of six months, or sooner if possible, to be computed from the day of the signature.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and the Minister Plenipotentiary of the United States of America, in virtue of our respective authorities and full powers, have signed the present treaty, and apposed thereto the seals of our arms.

Done at the Hague the eight of October, one thousand seven hundred eighty-two.

[SEAL.]	JOHN ADAMS.
[SEAL.]	GEORGE VAN RANDWYCK.
[SEAL.]	B. V. D. SANTHEUVEL.
[SEAL.]	P. V. BLEISWYK.
[SEAL.]	W. C. H. VAN LYNDEN.
[SEAL.]	D. J. VAN HEECKEREN.
[SEAL.]	JOAN VAN KUFFELER.
[SEAL.]	F: G: VAN DEDEM, *tot den Gelder.*
[SEAL.]	H: TJASSENS.

ANNEX TO THE TREATY OF AMITY AND COMMERCE OF OCTOBER 8, 1782.

The form of the passport which shall be given to ships and vessels in consequence of the 25th article of this treaty.

To all who shall see these presents, greeting:

Be it known that leave and permission are hereby given to ——— ———, master or commander of the ship or vessel called ———, of the burthen of ——— tons, or thereabouts, lying at present in the port or haven of ———, bound for ——— and laden with ———, to depart and proceed with his said ship or vessel on his said voyage, such ship or vessel having been visited, and the said master and commander having made oath before the proper officer that the said ship or vessel belongs to one or more of the subjects, people, or inhabitants of ———, and to him or them only.

In witness whereof we have subscribed our names to these presents and affixed the seal of our arms thereto, and caused the same to be countersigned by ——— ———, at ———, this —— day of ———, in the year of our Lord Christ ———.

Form of the certificate which shall be given to ships or vessels in consequence of the 25th article of this treaty.

We, ———, magistrates or officers of the customs of the city or port of ———, do certify and attest that on the —— day of ———, in the

year of our Lord ——, C. D., of ——, personally appeared before us, and declared by solemn oath that the ship or vessel called ——, of —— tons or thereabouts, whereof —— ——, of ——, is at present master or commander, does, rightfully and proper[ly], belong to him or them only.

That she is now bound from the city or port of —— to the port of ——, laden with goods and merchandises, hereunder particularly described and enumerated as follows:

In witness whereof we have signed this certificate and sealed it with the seal of our office this —— day of —— in the year of our Lord Christ ——.

Form of the Sea-Letter.

Most Serene, Serene, most Puissant, Puissant, High, Illustrious, Noble, Honorable, Venerable, Wise and Prudent, Lords, Emperors, Kings, Republicks, Princes, Dukes, Earls, Barons, Lords, Burgomasters, Schepens, Councillors, as also Judges, Officers, Justiciaries and Regents of all the good cities and places, whether ecclesiastical or secular, who shall see these patents, or hear them read: We Burgomasters and Regents of the city of —— make known that the master of —— appearing before us has declared upon oath that the vessell called —— of the burthen of about —— lasts which he at present navigates, is of the United Provinces, and that no subjects of the enemy have any part or portion therein, directly nor indirectly, so may God almighty help him. And as we wish to see the said master prosper in his lawful affairs our prayer is to all the before mentioned, and to each of thems eparately, where the said master shall arrive, with his vessel and cargo, that they may please to receive the said master with goodness and to treat him in a becoming manner, permitting him, upon the usual tolls and expenses, in passing and repassing, to pass, navigate and frequent the ports, passes and territories to the end to transact his business, where, and in what manner he shall judge proper: whereof we shall be willingly indebted.

In witness and for cause whereof we affix hereto the seal of this citty.

(In the margin:) By ordinance of the High and Mighty Lords, the States General of the United Netherlands.

1782.*

CONVENTION CONCERNING VESSELLS RECAPTURED.

Concluded October 8, 1782; *ratified by the Continental Congress January* 23, 1783; *proclaimed January* 23, 1783.

The Lords the States General of the United Netherlands, and the United States of America, being inclined to establish some uniform principles with relation to prizes made by vessells of war, and commissioned by the two contracting Powers, upon their common enemies, and to vessells of the subjects of either party, captured by the enemy, and recaptured by vessells of war commissioned by either party, have agreed upon the following articles.

* See Notes: "Abrogated, suspended, or obsolete treaties."

ARTICLE I.

When vessels of either nation shall be recaptured, how they shall be restored.

The vessells of either of the two nations recaptured by the privateers of the other, shall be restored to the first proprietor, if such vessells have not been four and twenty hours in the power of the enemy, provided the owner of the vessell recaptured, pay therefor one-third of the value of the vessell, as also of that of the cargo, the cannons and apparel, which third shall be valued by agreement, between the parties interested; or, if they cannot agree thereon among themselves, they shall address themselves to the officers of the admiralty, of the place where the privateer who has retaken the vessell shall have conducted her.

ARTICLE II.

When they shall belong to the recaptor.

If the vessell recaptured has been more than twenty-four hours in the power of the enemy, she shall belong entirely to the privateer who has retaken her.

ARTICLE III.

When recaptured by vessels of war, they shall be restored

In case a vessell shall have been recaptured by a vessell of war belonging to the States General of the United Netherlands, or to the United States of America, she shall be restored to the first owner, he paying a thirtieth part of the value of the ship, her cargo, cannons and apparel, if she has been recaptured in the interval of twenty-four hours, and the tenth part if she has been recaptured after the twenty-four hours; which sums shall be distributed in form of gratifications to the crews of the vessells which shall have retaken her. The valuation of the said thirtieth parts and tenth parts, shall be regulated according to the tenour of the first article of the present convention.

ARTICLE IV.

Restitution.

The restitution of prizes, whether they may have been retaken by vessells of war or by privateers, in the mean time and untill requisite and sufficient proofs can be given of the property of vessells recaptured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforesaid articles.

ARTICLE V.

Vessels of war, privateers, and their prizes.

The vessells of war and privateers, of one and of the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world, admitted in the respective ports of each with their prizes, which may be unloaded and sold according to the formalities used in the State where the prize shall have been conducted, as far as may be consistent with the 22d article of the treaty of commerce: Provided always, that the legality of prizes by the vessells of the Low Countries, shall be decided conformably to the laws and regulations established in the United Netherlands; as likewise, that of prizes made by American vessells, shall be judged according to the laws and regulations determined by the United States of America.

ARTICLE VI.

Each nation may make regulations.

Moreover, it shall be free for the States General of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective vessells and privateers ought to hold

in relation to the vessells which they shall have taken and conducted into the ports of the two Powers.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and Minister Plenipotentiary of the United States of America, have, in virtue of our respective authorities and full powers, signed these presents, and confirmed the same with the seal of our arms.

Done at the Hague the eight of October, one thousand seven hundred eighty-two.

[SEAL.]	JOHN ADAMS.
[SEAL.]	GEORGE VAN RANDWYCK.
[SEAL.]	B. V. D. SANTHEUVEL.
[SEAL.]	P. V. BLEISWŸK.
[SEAL.]	W. C. H. VAN LŸNDEN.
[SEAL.]	D. J. VAN HEECKEREN.
[SEAL.]	JOAN VAN KUFFELER.
[SEAL.]	F: G: VAN DEDEM, *tot den Gelder.*
[SEAL.]	H: TJASSENS.

1839.

TREATY OF COMMERCE AND NAVIGATION.

Concluded January 19, 1839; *ratifications exchanged at Washington May* 23, 1839; *proclaimed May* 24, 1839.

The United States of America and His Majesty the King of the Netherlands, anxious to regulate the commerce and navigation carried on between the two countries in their respective vessels, have, for that purpose, named plenipotentiaries, that is to say:

The President of the United States has appointed John Forsyth, Secretary of State of the said United States; and His Majesty the King of the Netherlands, Jonkheer Evert Marius Adrian Martini, Member of the Body of Nobles of the Province of North Brabant, Knight of the Order of the Netherland Lion, and his Chargé d'Affaires near the United States; Negotiators.

Who, having exchanged their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.*

Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States from or to the ports of the Netherlands in Europe, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise so imported or exported in national vessels; and, reciprocally, goods and merchandise, whatever their origin may be, imported into or exported from the ports of the Netherlands in Europe from or to the ports of the United States, in vessels of the said States, shall pay no higher or other duties than shall be levied on the like goods and merchandise so imported or exported in national vessels. The bounties, drawbacks, or other favors of this nature which may be granted in the States of either of the contracting parties on goods imported or exported in national vessels shall also and in like manner be granted on goods directly exported or imported in

No discrimination in duties, drawbacks, and bounties on exports and imports.

*Articles I and II of this treaty are amended by the convention of August 26, 1852.

vessels of the other country to and from the ports of the two countries; it being understood that, in the latter as in the preceding case, the goods shall have been loaded in the ports from which such vessels have been cleared.

ARTICLE II.*

No discrimination in tonnage duties.

Neither party shall impose upon the vessels of the other, whether carrying cargoes between the United States and the ports of the Netherlands in Europe, or arriving in ballast from any other country, any duties of tonnage, harbour dues, light-houses, salvage, pilotage, quarantine, or port charges of any kind or denomination which shall not be imposed in like cases on national vessels.

ARTICLE III.

Privileges of consuls.

It is further agreed between the two contracting parties that the Consuls and Vice-Consuls of the United States in the ports of the Netherlands in Europe, and, reciprocally, the Consuls and Vice-Consuls of the Netherlands in the ports of the said States, shall continue to enjoy all privileges, protection, and assistance, as may be usual and necessary for the duly exercising of their functions, in respect also of the deserters from the vessels, whether public or private, of their countries.

ARTICLE IV.

What shall be considered national vessels.

The contracting parties agree to consider and treat as vessels of the United States and of the Netherlands all such as, being furnished by the competent authority with a passport or sea-letter, shall, under the then existing laws and regulations, be recognized as national vessels by the country to which they respectively belong.

ARTICLE V.

Shipwrecks.

In case of shipwreck or damage at sea, each party shall grant to the vessels, whether public or private, of the other, the same assistance and protection which would be afforded to its own vessels in like cases.

ARTICLE VI.

Duration of treaty.

The present treaty shall be in force for the term of ten years, commencing six weeks after the exchange of the ratifications; and further until the end of twelve months after either of the contracting parties shall have given to the other notice of its intention to terminate the same: each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of ten years. And it is hereby mutually agreed that in case of such notice this treaty, and all the provisions thereof, shall, at the end of the said twelve months, altogether cease and determine.

ARTICLE VII.

Ratifications.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, within six months of its date, or sooner, if practicable.

*Articles I and II of this treaty are amended by the convention of August 26, 1852.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in duplicate at the city of Washington, this nineteenth day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

[SEAL.] JOHN FORSYTH.
[SEAL.] ADR. MARTINI.

1852.

CONVENTION OF COMMERCE AND NAVIGATION ADDITIONAL TO TREATY OF JANUARY 19, 1839.

Concluded August 26, 1852; *ratifications exchanged at Washington February* 25, 1853; *proclaimed February* 26, 1853.

The United States of America and His Majesty the King of the Netherlands, being desirous of placing the commerce of the two countries on a footing of greater mutual equality, have appointed as their Plenipotentiaries for that purpose, that is to say:

The President of the United States of America, Daniel Webster, Secretary of State of the United States; and His Majesty the King of the Netherlands, François Mathieu Wenceslas Baron Testa, Commander of the Royal Grand Ducal Order of the Crown of Oak of Luxembourg, Knight of the Royal Order of the Lion of the Netherlands, and of the Grand Ducal Order of the White Falcon, third class, Counsellor of Legation, and His Majesty's Chargé d'Affaires to the Government of the United States of America; Negotiators.

Who, after having communicated to each other their respective powers, found in good and due form, have agreed that, for and in lieu of the first and second articles of the treaty of commerce and navigation, signed at Washington on the 19th of January, 1839, between the high contracting parties, the following articles shall be substituted:

ARTICLE I.

Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States from and to any other country, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported in national vessels. Reciprocally, goods and merchandise, whatever their origin may be, imported into or exported from the ports of the Netherlands from and to any other country, in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported in national vessels. No discrimination in duties, drawbacks, and bounties on imports and exports.

The bounties, drawbacks, and other privileges of this nature which may be granted in the States of either of the contracting parties, on goods imported or exported in national vessels, shall also and in like manner be granted on goods imported or exported in vessels of the other country.

ARTICLE II.

The above reciprocal equality in relation to the flags of the two countries is understood to extend also to the ports of the colonies and dominions of the Netherlands beyond the seas, in which goods and merchandise, whatever their origin may be, imported or Reciprocity to extend to colonies.

exported from and to any other country in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported from and to the same places in vessels of the Netherlands. The bounties, drawbacks, or other privileges of similar denomination which may be there granted on goods and merchandise imported or exported in vessels of the Netherlands shall also, and in like manner, be granted on goods and merchandise imported or exported in vessels of the United States.

ARTICLE III.

No discrimination in tonnage duties.

Neither party shall impose upon the vessels of the other, whether carrying cargoes or arriving in ballast from either of the two countries, or any other country, any duties of tonnage, harbor dues, light-house, salvage, pilotage, quarantine, or port charges of any kind or denomination, which shall not be imposed in like cases on national vessels.

ARTICLE IV.

Coasting trade and fisheries excepted.

Their disposition.

The present arrangement does not extend to the coasting trade and fisheries of the two countries respectively, which are exclusively allowed to national vessels: it being moreover understood that, in the East Indian Archipelago of the Netherlands, the trade from island to island is considered as coasting trade, and likewise in the United States, the trade between their ports on the Atlantic and their ports on the Pacific; and if, at any time, either the Netherlands or the United States shall allow to any other nation the whole or any part of the said coasting trade, the same trade shall be allowed on the same footing and to the same extent to the other party. It being, however, expressly understood and agreed that nothing in this article shall prevent the vessels of either nation from entering and landing a portion of their inward cargoes at one port of the other nation, and then proceeding to any other port or ports of the same, to enter and land the remainder, nor from preventing them in like manner from loading a portion of their outward cargoes at one port and proceeding to another port or ports to complete their lading, such landing or lading to be done under the same rules and regulations as the two governments may respectively establish for their national vessels in like cases.

ARTICLE V.

Discriminating duties in favor of certain trade may be imposed.

The above reciprocal equality in relation to the flags of the two countries is not understood to prevent the Government of the Netherlands from levying discriminating duties of import or export in favor of the direct trade between Holland and her colonies and dominions beyond the seas; but American vessels engaged in such direct commerce shall be entitled to all the privileges and immunities, whether as regards import or export duties, or otherwise, that are or may be enjoyed by vessels under the Dutch flag. Likewise, the United States shall continue to levy the discriminating duties imposed by the present tariff on teas and coffee, in favor of the direct importation of these articles from the place of their growth, but also without discriminating between the flags of the two countries. And if, at any time, the Netherlands or the United States shall abolish the said discriminating duties, it is understood that the same shall be in like manner abolished in relation to the commerce of the other country.

ARTICLE VI.

The present convention shall be considered as additional to the above-mentioned treaty of the 19th of January, 1839, and shall, altogether, with the unmodified articles of that treaty, be in force for the term of two years, commencing six weeks after the exchange of the ratifications; and further, until the end of twelve months after either of the contracting parties shall have given to the other notice of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of two years. And it is hereby mutually agreed that, in case of such notice, this convention, and all the provisions thereof, as well as the said treaty of 19th January, 1839, and the provisions thereof, shall, at the end of the said twelve months, altogether cease and determine.

This treaty to be additional to that of January 19, 1839.

Duration of convention.

ARTICLE VII.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington within six months of its date, or sooner if possible.

Ratifications.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in duplicate at the city of Washington, this twenty-sixth day of August, in the year of our Lord one thousand eight hundred and fifty-two.

[SEAL.] DAN'L WEBSTER.
[SEAL.] FS. TESTA.

1855.*

CONVENTION CONCERNING THE RIGHTS AND PRIVILEGES OF CONSULS OF THE UNITED STATES IN DUTCH COLONIES.

Concluded January 22, 1855; *ratifications exchanged at Washington May* 25, 1855; *proclaimed May* 26, 1855.

His Majesty the King of the Netherlands, wishing to strengthen the bonds of friendship subsisting between the United States of America and the Kingdom of the Netherlands, and to give the amplest possible development to the commercial intercourse so happily established between the two nations, has, for the accomplishment of that purpose, and in order to satisfy a desire repeatedly expressed by the Government of the United States, consented to receive Consuls from said States in the principal ports of the Dutch colonies, with the reservation, however, of making this concession the subject of a special convention, which shall determine, in a clear and precise manner, the rights, duties, and privileges of said Consuls in the colonies above mentioned.

Accordingly, the President of the United States has named August Belmont, a citizen of the United States, and their Minister Resident near His Majesty the King of the Netherlands;

Negotiators.

His Majesty the King of the Netherlands, the Sieur Floris Adriaan Van Hall, Grand Cross of the Order of the Netherlands Lion, His Ma-

* See Notes: "Abrogated, suspended, or obsolete treaties."

jesty's Minister of State and for Foreign Affairs, and the Sieur Charles Ferdinand Pahud, Grand Cross of the Order of the Netherlands Lion, His Majesty's Minister for the colonies;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

American consuls admitted to certain possessions and colonies of the Netherlands.

Consuls-General, Consuls, and Vice-Consuls of the United States of Amerika will be admitted into all the ports in the transmarine possessions or colonies of the Netherlands, which are open to the vessels of all nations.

ARTICLE II.

Their powers and office.

The Consuls-General, Consuls, and Vice-Consuls of the United States of America are considered as commercial agents, protectors of the maritime commerce of their countrymen, in the ports within the circumference of their consular districts.

To be subject to the laws.

They are subject to the laws, both civil and criminal, of the country in which they reside, with such exceptions as the present convention establishes in their favor.

ARTICLE III.

Their commissions to be presented.

The Consuls-General and Consuls, before being admitted to exercise their functions, and to enjoy the immunities attached thereto, must present a commission, in due form, to the government of His Majesty the King of the Netherlands.

Exequaturs.

After having obtained the exequatur, which shall be countersigned as promptly as possible by the governor of the colony, the said Consular Agents shall be entitled to the protection of the government, and to the assistance of the local authorities, in the free exercise of their functions.

The Government, in granting the exequatur, reserves the right of withdrawing the same, or to cause it to be withdrawn by the Governor of the colony, on a statement of the reasons for doing so.

ARTICLE IV.

Inscription on their offices.

The Consuls-General and Consuls are authorized to place on the outer door of their consulates the arms of their Government, with the inscription: "Consulate of the United States of America."

Not to give the right of asylum.

It is well understood that this outward mark shall never be considered as conferring the right of asylum, nor as having the power to exempt the house and those dwelling therein from the prosecution of the local justice.

ARTICLE V.

Consular archives.

It is, nevertheless, understood that the archives and documents relating to the affairs of the consulate shall be protected against all search, and that no authority or magistrate shall have the power, under any pretext whatever, to visit or seize them, or to examine their contents.

ARTICLE VI.

The Consuls-General, Consuls, and Vice-Consuls shall not be invested with any diplomatic character. Consuls not to have diplomatic powers.

When a request is to be addressed to the Netherlands Government, it must be done through the medium of the Diplomatic Agent residing at the Hague, if one be there.

The Consul may, in case of urgency, apply to the Governor of the colony himself, showing the urgency of the case, and stating the reasons why the request cannot be addressed to the subordinate authorities, or that previous applications made to such authorities have not been attended to.

ARTICLE VII.

Consuls-General and Consuls shall be free to establish Vice-Consuls in the ports mentioned in art. 1, and situated in their consular districts. Vice-Consuls may be appointed.

The Vice Consuls may be taken indiscriminately from among the subjects of the Netherlands, or from citizens of the United States, or of any other country residing, or having the privilege, according to the local laws, to fix their residence in the port to which the Vice-Consul shall be named.

These Vice-Consuls, whose nomination shall be submitted to the approval of the Governor of the colony, shall be provided with a certificate, given to them by the Consul under whose orders they exercise their functions.

The Governor of the colony may in all cases withdraw from the Vice-Consuls the aforesaid sanction, in communicating to the Consul-General or Consul of the respective district the motives for his doing so.

ARTICLE VIII.

Passports delivered or signed by Consuls or Consular Agents, do not dispense the bearer from providing himself with all the papers required by the local laws, in order to travel or to establish himself in the colonies. Passports and their effect.

The right of the Governor of the colony to prohibit the residence in, or to order the departure from the colony of any person, to whom a passport may have been delivered, remains undisturbed.

ARTICLE IX.

When a ship of the United States is wrecked upon the coast of the Dutch colonies, the Consul-General, Consul, or Vice-Consul who is present at the scene of the disaster, will, in case of the absence, or with t[h]e consent of the captain or supercargo, take all the necessary measures for the salvage of the vessel, the cargo, and all that appertains to it. Shipwrecks.

In the absence of the Consul-General, Consul, or Vice-Consul, the Dutch authorities of the place where the wreck has taken place will act in the premises, according to the regulations prescribed by the laws of the colony.

ARTICLE X.

Consuls-General, Consuls, and Vice-Consuls may, in so far as the extradition of deserters from merchant-vessels or ships of war shall have been stipulated by treaty, request the assistance of the local authorities for the arrest, detention, and imprisonment of Deserters.

deserters from vessels of the United States. To this end they shall apply to the competent functionaries, and claim said deserters, in writing, proving by the register of the vessel, the list of the crew, or by any other authentic document, that the persons claimed belonged to the crew.

The reclamation being thus supported, the local functionaries shall exercise what authority they possess, in order to cause the deserters to be delivered up.

These deserters, being arrested, shall be placed at the disposal of said Consuls, and may be confined in the public prisons at the request and at the expense of those who claim them, in order that they may be taken to the vessels to which they belong, or to other vessels of the same nation. But if they are not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

It is understood, however, that if the deserter be found to have committed any crime, offence, or contravention, his extradition may be delayed until the court having cognizance of the matter shall have pronounced its sentence, and the same has been carried into execution.

ARTICLE XI.

Estates of deceased persons.

In case of the death of a citizen of the United States, without having any known heirs or testamentary executors, the Dutch authorities, who, according to the laws of the colonies, are charged with the administration of the estate, will inform the Consuls, or Consular Agents, of the circumstance, in order that the necessary information may be forwarded to parties interested.

ARTICLE XII.

Arbitration by Consuls.

The Consuls-General, Consuls, and Vice-Consuls have, in that capacity, in so far as the laws of the United States of America allow it, the right to be named arbiters in the differences which may arise between the masters and the crews of the vessels belonging to the United States, and this without the interference of the local authorities, unless the conduct of the crew or of the captain should have been such as to disturb the order and tranquillity of the country, or that the Consuls-General, Consuls, or Vice-Consuls, should request the assistance of the said authorities, in order to carry out their decisions or to maintain their authority.

It is understood, however, that this decision or special arbitrament is not to deprive, on their return, the parties in litigation of the right of appeal to the judiciary authorities of their own country.

ARTICLE XIII.

Military service and taxes.

The Consuls-General, Consuls, and Vice-Consuls, who are not subjects of the Netherlands, who, at the time of their appointment, are not established as residents in the Kingdom of the Netherlands or its colonies, and who do not exercise any calling, profession, or trade, besides their consular functions, are, in so far as in the United States the same privileges are granted to the Consuls-General, Consuls, and Vice-Consuls of the Netherlands, exempt from military billetings, from personal taxation, and, moreover, from all public or municipal taxes which are considered of a personal character, so that this exemption shal[l] never extend to custom-house duties or other taxes, whether indirect or real.

The Consuls-General, Consuls, and Vice-Consuls, who are not natives or recognized subjects of the Netherlands, but who may exercise conjointly with their consular functions any profession or trade whatever, are obliged to fulfill duties, and pay taxes and contributions, like all Dutch subjects and other inhabitants.

Consuls General, Consuls, and Vice-Consuls, subjects of the Netherlands, but to whom it has been accorded to exercise consular functions conferred by the Government of the United States of America, are obliged to fulfill duties, and pay taxes and contributions, like all Dutch subjects and other inhabitants.

ARTICLE XIV.

The Consuls-General, Consuls, and Vice-Consuls of the United States shall enjoy all such other privileges, exemptions, and immunities, in the colonies of the Netherlands, as may at any future time be granted to the agents of the same rank of the most favored nations.

Most favored nation privileges accorded to consuls.

ARTICLE XV.

The present convention shall remain in force for the space of five years from the day of the exchange of the ratifications, which shall take place within the delay of twelve months, or sooner if possible.

Duration of convention and ratifications.

In case neither of the contracting parties gives notice twelve months before the expiration of the said period of five years, of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In witness whereof, the respective Plenipotentiaries have signed the present convention, and have affixed thereto the seals of their arms.

Done at the Hague this twenty-second day of January, in the year of our Lord one thousand eight hundred and fifty-five.

[SEAL.] AUGUST BELMONT.
[SEAL.] VAN HALL.
[SEAL.] C. F. PAHUD.

1878.

CONVENTION CONCERNING THE RIGHTS AND PRIVILEGES OF CONSULS.

Concluded May 23, 1878; *ratifications exchanged at Washington July* 31, 1879; *proclaimed August* 1, 1879.

The United States and His Majesty, the King of the Netherlands, being equally actuated by a desire to determine with precision the reciprocal rights, privileges, immunities and duties of their respective Consular Officers, together with their functions, have resolved to conclude a Consular Convention, and have appointed their plenipotentiaries, viz:

The President of the United States of America, William M. Evarts, Secretary of State of the United States: His Majesty, the King of the Netherlands; Jonkheer Rudolph Alexander August Eduard von Pestel, Knight of the Order of the Netherland's Lion, His Majesty's Minister Resident in the United States, who having

Negotiators.

exchanged their respective full powers which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

Consuls. Each of the high contracting parties agrees to receive Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the other, into all its ports, cities and places, except in those localities where there may be some objection to admitting such officers.

This exception, however, shall not be made in regard to one of the high contracting parties, without being made likewise in regard to every other Power.

ARTICLE II.

Commissions and exequaturs. The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the two high contracting parties, shall be reciprocally received and recognized on producing their commissions in the forms established in their respective countries, and the necessary exequaturs shall be delivered to them free of cost, on exhibiting which they shall enjoy the rights, prerogatives and immunities which are granted by the present convention.

The government granting the exequatur shall be at liberty to withdraw the same on stating the reasons for which it has thought proper so to do. Notice shall be given, on producing the commission, of the extent of the district allotted to the consular officer, and subsequently of the changes that may be made in this district.

ARTICLE III.

Exemptions and privileges. The respective Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, Consular-Agents, Consular-Pupils and Consular-Clerks of the high contracting parties, shall enjoy in the two countries all the privileges, exemptions and immunities which are enjoyed or which may be hereafter enjoyed by the officers of the same rank of the most favored nation. Such consular officers being citizens or subjects of the country which has appointed them shall be exempted from military billeting and contributions, and from all military service by land or by sea, whether in the regular army, in the national or civic guard; or in the militia, and shall enjoy personal immunity from arrest or imprisonment except for acts constituting crimes or misdemeanors by the laws of the country in which they reside. They shall, moreover, when citizens or subjects of the country which has appointed them, and provided they be not engaged in commerce or manufactures, likewise be exempt from capitation or sumptuary taxes, and from all other fiscal duties or contributive taxes of a direct or personal character; but this immunity shall not extend to customs, excise or octroi duties, nor to taxes upon real or personal property which they may acquire or own in the country in which they exercise their functions.

Consular officers who engage in commerce shall not plead their consular privileges to avoid their commercial liabilities.

ARTICLE IV.

Testimony of consular officers. If the testimony of a consular officer, who is a citizen or subject of the State by which he was appointed, and who is not engaged in business, is needed before the courts of either country, he shall be invited in writing to appear in court, and if unable to

lo so, his testimony shall be requested in writing, or be taken orally at his dwelling or office.

To obtain the testimony of such consular officer before the courts of the country where he may exercise his functions, the interested party n civil cases, or the accused in criminal cases, shall apply to the competent judge, who shall invite the consular officer in the manner prescribed in § I, to give his testimony.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided.

Nothing in the foregoing part of this article, however, shall be construed to conflict with the provisions of the sixth article of the amendments to the constitution of the United States, or with like provisions n the constitutions of the several States, whereby the right is secured :o persons charged with crimes, to obtain witnesses in their favor, and :o be confronted with the witnesses against them.

ARTICLE V.

Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents may place above the outer door of their offices, or residences, the arms of their nation, together with a proper inscription indicative of their office. They may also display he flag of their country over their offices, or dwellings, and may hoist heir flag upon any vessel employed by them in port in the discharge of heir duty. Arms and flags.

ARTICLE VI.

The consular archives shall be at all times inviolable, and the local uthorities shall under no pretext, examine or seize the papers belonging thereto. Consular archives.

When a consular officer is engaged in business, the papers relating to he Consulate shall be kept in a separate enclosure and apart from the papers pertaining to his business.

The offices and dwellings of consular officers shall in no event be used as places of asylum.

ARTICLE VII.

In the event of inability to act, absence or decease of Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, Consular-Agents, their Consular-Pupils and Consular-Clerks, Chancellors or Secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister of Foreign Affairs at the Hague, shall be permitted to take charge *ad interim* of the business of the Consulate, and while thus acting, and so far as may be competent according to Article III., if foreign citizens not engaged in commerce, shall enjoy all the rights, privileges and immunities granted to the incumbents. Consuls' inability to act.

ARTICLE VIII.

Consuls-General and Consuls may with the approval of their respective governments, appoint Vice-Consuls-General, Vice-Consuls and Consular-Agents in the cities, ports and places within their consular district. They may appoint as such, without distinction, citizens of the United States, subjects of the Netherlands, or citizens or subjects of other countries. The persons so appointed Power of consuls to appoint vice-consuls.

shall be furnished with a commission, and shall enjoy the privileges rights and immunities provided for in this Convention in favor of consular officers, subject to provisions and limitations as specified in Article III., and in other articles hereof.

ARTICLE IX.

Application by consuls to Government authorities.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the two high contracting parties, shall have the right to address the authorities of the respective countries, national or local, judicial or executive, within the extent of their respective consular districts, for the purpose of complaining of any infraction of the treaties or conventions existing between the two countries, or for purposes of information, or for the protection of the rights and interests of their countrymen.

If such application shall not receive proper attention, such consular officers may, in the absence of the diplomatic agent of their country, apply directly to the government of the country in which they reside.

ARTICLE X.

Rights of consuls.

Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls or Consular-Agents of the two countries, or their Chancellors, shall have the right conformably to the laws and regulations of their country:

1. To take at their office or dwelling, at the residence of the parties or on board of vessels of their own nation, the depositions of the captains and crews, of passengers on board of them, of merchants, or of any other persons.

2. To receive and verify certificates of births and deaths of their countrymen and of marriages between them, and all unilateral acts, wills and bequests of their countrymen, and any and all acts of agreement entered upon between subjects or citizens of their own country, and between such subjects or citizens and the subjects or citizens or other inhabitants of the country where they reside, and also all contracts between the latter; provided such unilateral acts, acts of agreement or contracts relate to property situated or to business to be transacted in the territory of the nation by which the said consular officers are appointed.

All such acts of agreement and other instruments, and also copies and translations thereof, when duly authenticated by such Consul-General, Vice-Consul General, Consul, Vice-Consul or Consular-Agent under his official seal, shall be received in Courts of Justice, as legal documents or as authenticated copies as the case may be, subject to the provisions of law on such subject, however, in the two countries.

ARTICLE XI.

Settlement of disputes between masters and crews.

Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents shall have charge of the internal order of board of the merchant vessels of their nation, to the exclusion of all local authorities. They shall take cognizance of all disputes and determine all differences which may have arisen at sea or which may arise in port, between the captains, officers and crews, including disputes concerning wages and the execution of contracts reciprocally entered into. The courts or other authorities of either country shall on no account interfere in such disputes unless such differences on board ship be of a nature to disturb the public peace on shore or in port or unless persons other than the officers and crew are parties thereto.

The Consuls-General, Vice-Consuls-General, Consuls, Vice Consuls, and Consular-Agents shall be at liberty to go, either in person or by proxy, on board vessels of their nation admitted to entry, and to examine the officers and crews, to examine the ships' papers, to receive declarations concerning their voyage, their destination and the incidents of the voyage; also to draw up manifests and lists of freight or other documents, to facilitate the entry and clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country to assist them as their interpreters or agents.

ARTICLE XII.

Deserters.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the two countries may respectively cause to be arrested and sent on board, or cause to be returned to their own country, such officers, seamen or other persons forming part of the crew of ships of war or merchant vessels of their nation, who may have deserted in one of the ports of the other.

To this end they shall respectively address the competent national or local authorities in writing and make request for the return of the deserter, and furnish evidence by exhibiting the register, crew list or other official documents of the vessel, or a copy or extract therefrom, duly certified, that the persons claimed belong to said ship's company. On such application being made, all assistance shall be furnished for the pursuit and arrest of such deserters, who shall even be detained and guarded in the jails of the country, pursuant to the requisition and at the expense of the Consuls-General, Vice-Consuls-General, Consuls, Vice Consuls or Consular-Agents until they find an opportunity to send the deserters home.

If, however, no such opportunity shall be had for the space of three months from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is understood that persons who are subjects or citizens of the country within which the demand is made, shall be exempted from these provisions.

If the deserter shall have committed any crime or offence in the country within which he is found, he shall not be placed at the disposal of the Consul until after the proper tribunal having jurisdiction in the case shall have pronounced sentence, and such sentence shall have been executed.

ARTICLE XIII.

Settlement of damages suffered at sea by vessels.

Except in the case of agreement to the contrary, between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they put into port voluntarily, or are forced so to do by stress of weather, shall be adjusted by the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular Agents of the respective countries.

If, however, any inhabitants of the country, or subjects or citizens of a third nation shall be interested in such damages, and if the parties cannot agree, recourse may be had to the competent local authorities.

ARTICLE XIV.

Salvage

All necessary measures connected with the salvage of vessels of the United States which shall have been wrecked on the coasts of the Netherlands, with their cargoes and all that appertains to such vessels, shall be taken by the Consuls-General, Vice-Con-

suls-General, Consuls, Vice-Consuls and Consular-Agents of the United States, and reciprocally, the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the Netherlands shall take such necessary measures in the case of the wreck of vessels of their country on the coasts of the United States.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interest of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

In the absence of and until the arrival of the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents, it shall be the duty of the local authorities to take all necessary measures for the preservation of the persons and property on board of the wrecked vessel.

It is understood that the merchandise saved is not to be subjected to any Custom-House charges unless it be intended for consumption in the country where the wreck may have taken place.

ARTICLE XV.

Death of citizens of one country in the other country.

In case of death of any citizen of the United States in the Netherlands, or of any subject of the Netherlands in the United States, without having in the country of his decease any known heirs, or testamentary executors by him appointed, or in case of minority of the heirs, there being no guardian, the competent local authorities shall at once inform the nearest consular officer of the nation to which the deceased belongs, of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

The said consular officer shall have the right to appear personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

ARTICLE XVI.

Duration and ratification.

The present convention shall not be applicable to colonies of either of the High Contracting Parties, and shall not take effect until the twentieth day after its promulgation in the manner prescribed by the laws of the two countries.

It shall remain in force for five years from the date of the exchange of ratifications.

In case neither of the contracting parties shall have given notice twelve months before the expiration of the said period, of its desire to terminate this convention, it shall remain in force for one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice for its termination.

ARTICLE XVII.

Ratifications.

The present convention shall be ratified, and the ratifications thereof shall be exchanged at the city of Washington, within six months from the date hereof, and sooner if possible.

In testimony whereof, the respective plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate at Washington, in the English and Dutch languages, on the twenty-third day of May, in the year of Grace, one thousand eight hundred and seventy-eight.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] R. VON PESTEL.

1880.

CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE.

Concluded May 22, 1880; *ratifications exchanged at Washington July* 29, 1880; *proclaimed July* 30, 1880.

The United States of America and His Majesty the King of the Netherlands having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with, or convicted of, the crimes hereinafter enumerated, and being fugitives from justice, should under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

Negotiators.

The President of the United States: William Maxwell Evarts, Secretary of State of the United States, and His Majesty the King of the Netherlands: Jonkheer, Rudolph Alexander August Edward von Pestel, Knight of the Order of the Netherlands Lion, His Majesty's Minister Resident in the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles.

ARTICLE I.

Reciprocal extradition of persons charged with crime.

The United States of America and His Majesty the King of the Netherlands reciprocally engage to deliver up to justice all persons convicted of or charged with any of the crimes or offences enumerated in the following article, committed within the respective jurisdiction of the United States of America, or of the Kingdom of the Netherlands, exclusive of the Colonies thereof, such persons being actually within such jurisdiction when the crime or offence was committed, who shall seek an asylum or shall be found within the jurisdiction of the other, exclusive of the colonies of the Netherlands: Provided, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had been there committed.

ARTICLE II.

Crimes.

Persons shall be delivered up, according to the provisions of this convention, who shall have been charged with, or convicted of, any of the following crimes:

1. Murder, comprehending the crimes of assassination, parricide, infanticide and poisoning.
2. The attempt to commit murder.

3. Rape.

4. Arson.

5. Burglary; or the corresponding crime in the Netherlands law under the description of thefts committed in an inhabited house by night, and by breaking in, by climbing, or forcibly.

6. The act of breaking into and entering public offices, or the offices of banks, banking-houses, savings-banks, trust companies, or insurance companies, with intent to commit theft therein; and also the thefts resulting from such act.

7. Robbery; or the corresponding crime punished in the Netherlands law under the description of theft committed with violence or by means of threats.

8. Forgery, or the utterance of forged papers including the forgery or falsification of official acts of the Government or public authority or courts of justice affecting the title or claim to money or property.

9. The counterfeiting, falsifying or altering of money, whether coin or paper, or of bank notes, or instruments of debt created by National, State or Municipal Governments, or coupons thereof, or of seals, stamps, dies or marks of state; or the utterance or circulation of the same.

10. Embezzlement by public officers charged with the custody or receipt of public funds.

11. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, where the offence is subject to punishment by the law of the Netherlands as *abus de confiance*, if extradition is demanded by the United States, or is subject to punishment as a crime in the United States, if extradition is demanded by the Netherlands.

ARTICLE III.

Persons cannot be extradited for political offences.

The provisions of this convention shall not apply to any crime or offence of a political character, nor to acts connected with such crimes or offences; and no person surrendered under the provision hereof shall in any case be tried or punished for a crime or offence of a political character, nor for any act connected therewith, committed previously to his extradition.

ARTICLE IV.

Convention not applicable to offences committed before its ratification.

The present Convention shall not apply to any crime or offence committed previous to the exchange of the ratifications hereof; and no person shall be tried or punished after surrender for any crime or offence other than that for which he was surrendered if committed previous to his surrender, unless such crime or offence be one of those enumerated in Article II. hereof, and shall have been committed subsequent to the exchange of ratifications.

ARTICLE V.

Exemption by lapse of time.

A fugitive criminal shall not be surrendered under the provisions hereof when, by lapse of time, he is exempt from prosecution or punishment for the crime or offence for which the surrender is asked, according to the laws of the country from which the extradition is demanded, or when his extradition is asked for the same crime or offence for which he has been tried, convicted or acquitted in that country, or so long as he is under prosecution for the same.

ARTICLE VI.

If a fugitive criminal, whose extradition may be claimed pursuant to the stipulations hereof, be actually under prosecution for a crime or offence in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be terminated, and until such criminal shall be set at liberty in due course of law.

Offences in country of asylum.

ARTICLE VII.

If a fugitive criminal claimed by one of the parties hereto shall also be claimed by one or more powers, pursuant to treaty provisions on account of crimes committed within their jurisdiction, such criminal shall be delivered in preference in accordance with that demand which is the earliest in date.

Fugitive criminals claimed by more than one power.

ARTICLE VIII.

Neither of the contracting parties shall be bound to deliver up, under the stipulations of this convention, its own citizens or subjects.

Neither nation to deliver its citizens.

ARTICLE IX.

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the government which has preferred the demand for extradition.

Expenses.

ARTICLE X.

Everything found in the possession of the fugitive criminal, at the time of his arrest, which may be material as evidence in making proof of the crime, shall, so far as practicable according to the laws or practice in the respective countries, be delivered up with his person at the time of surrender. Nevertheless, the rights of third parties, with regard to all such articles, shall be duly respected.

Articles found in a criminal's possession.

ARTICLE XI.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties. In the event of the absence of such agents from the country, or its seat of government, requisition may be made by consular officers.

Requisitions for extradition; modes of procedure.

When the person whose extradition shall have been asked, shall have been convicted of the crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal and accompanied by an attestation of the official character of the judge by the proper authority, shall be furnished.

If, however, the fugitive is mereby charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, authenticated as above provided, with such other evidence or proof as may be deemed competent in the case.

Evidence.

If, after an examination, it shall be decided, according to the law and evidence, that extradition is due pursuant to this convention, the fugitive shall be surrendered according to the forms of law prescribed in such cases.

ARTICLE XII.

Duration of convention.

The present convention shall take effect on the twentieth day after its promulgation in the manner prescribed by the laws of the respective countries. After the convention shall so have gone into operation, it shall continue until one of the two parties shall give to the other six months notice of its desire to terminate it.

Ratifications.

This convention shall be ratified, and the ratifications shall be exchanged at Washington or the Hague as soon as possible.

In testimony whereof the respective Plenipotentiaries have signed the present convention, in duplicate, and have hereunto affixed their seals.

Done at Washington, in the English and Dutch languages, on the twenty-second day of May in the year of our Lord eighteen hundred and eighty.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] RUDOLPH VON PESTEL.

NEW GRANADA.

[See Colombia. Ante, page 195 to page 212.]

NICARAGUA.

1867.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

Concluded June 21, 1867; *ratifications exchanged at Granada June* 20, 1868; *proclaimed August* 13, 1868.

The United States of America and the Republic of Nicaragua, desiring to maintain and to improve the good understanding and the friendly relations which now happily exist between them, to promote the commerce of their citizens, and to make some mutual arrangement with respect to a communication between the Atlantic and Pacific Oceans by the River San Juan and either or both the lakes of Nicaragua and Managua, or by any other route through the Territories of Nicaragua, have agreed, for this purpose, to conclude a treaty of friendship, commerce, and navigation, and have accordingly named as their respective Plenipotentiaries, that is to say:

The President of the United States, Andrew B. Dickinson, Minister Resident and Extraordinary to Nicaragua; and His Excellency the President of the Republic of Nicaragua, Señor Licenciado Don Tomas Ayon, Minister of Foreign Relations: Negotiators.

Who, after communicating to each other their full powers, found in due and proper form, have agreed upon the following articles:

ARTICLE I.

There shall be perpetual amity between the United States and their citizens on the one part, and the Government of the Republic of Nicaragua and its citizens of the other. Declaration of amity.

ARTICLE II.

There shall be between all the territories of the United States and the territories of the Republic of Nicaragua a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have full liberty freely and securely to come with Freedom of commerce.

their ships and cargoes to all places, ports, and rivers in the territories aforesaid, to which other foreigners are or may be permitted to come, to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and generally the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, subject always to the laws and statutes of the two countries, respectively. In like manner the respective ships of war and post-office packets of the two countries shall have liberty freely and securely to come to all harbors, rivers, and places to which other foreign ships of war and packets are or may be permitted to come, to enter the same, to anchor, and to remain there and refit, subject always to the laws and statutes of the two countries, respectively.

Coasting trade.

By the right of entering places, ports, and rivers, mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade national vessels only of the country where the trade is carried on are permitted to engage.

ARTICLE III.

Most favored nations.

It being the intention of the two high contracting parties to bind themselves by the two preceding articles to treat each other on the footing of the most favored nations, it is hereby agreed between them that any favor, privilege, or immunity whatever, in matters of commerce and navigation, which either contracting party has actually granted, or may grant hereafter, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other contracting party; gratuitously, if the concession in favor of that other nation shall have been gratuitous, or in return for a compensation, as nearly as possible of a proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV.

No discrimination in duties and charges on exports and imports.

No higher or other duties shall be imposed on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the Republic of Nicaragua, and no higher or other duties shall be imposed on the importation into the territories of the Republic of Nicaragua of any article being the growth, produce, or manufacture of the United States, than are or shall be payable upon the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the Territories of either of the high contracting parties on the exportation of any articles to the Territories of the other than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the importation or exportation of any articles the growth, produce, or manufacture of the territories of the United States or the Republic of Nicaragua to or from the said territories of the United States, or to or from the Republic of Nicaragua, which shall not equally extend to all other nations.

ARTICLE V.

No discrimination in tonnage duties.

No higher or other duties or payments on account of tonnage, of light or harbor dues, or pilotage, of salvage in case of either damage or shipwreck, or on account of any local charges, shall be imposed in any of the ports of Nicaragua on vessels of the United

States than those payable by Nicaraguan vessels, nor in any of the ports of the United States on Nicaraguan vessels than shall be payable in the same ports on vessels of the United States.

ARTICLE VI.

The same duties shall be paid on the importation into the territories of the Republic of Nicaragua of any articles being the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in Nicaraguan vessels or in the vessels of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the Republic of Nicaragua, whether such importation shall be made in Nicaraguan or United States vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Nicaragua, of any article, being the growth, produce, or manufacture of the territories of the United States, whether such exportation shall be made in Nicaraguan or United States vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles, being the growth, produce, or manufacture of the Republic of Nicaragua to the territories of the United States, whether such exportation shall be made in the vessels of the United States or of Nicaragua.

No discrimination in duties on vessels.

ARTICLE VII.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty in all the territories of the Republic of Nicaragua to manage their own affairs themselves, as permitted by the laws, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Nicaraguans, nor to pay them any other salary or remuneration than such as is paid in like cases by Nicaraguan citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the Republic of Nicaragua as they shall see good, observing the laws and established customs of the country.

Privileges of citizens of one nation in the territory of the other in business affairs.

The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Nicaragua under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in said countries, respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all cases, advocates, attorneys, or agents, of whatsoever description, whom they may think proper; and they shall enjoy, in this respect, the same rights and privileges therein as native citizens.

Protection to persons and property.

ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandise, goods, and effects, the succession to personal estates, by will or otherwise, and the disposal of personal property of every sort and denomination by sale, donation, exchange, testament, or any other manner whatsoever,

Privileges of citizens of one nation in the territory of the other.

as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens; and they shall not be charged in any of these respects with any higher imposts or duties than those which are or may be paid by native citizens, submitting, of course, to the local laws and regulations of each country, respectively.

Real estate.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the Republic of Nicaragua, in which foreigners shall be entitled to hold or inherit real estate. But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the State in which it may be situated, there shall be accorded to the said heir, or other successor, such time as the laws of the State will permit to sell such property. He shall be at liberty, at all times, to withdraw and export the proceeds thereof without difficulty, and without paying to the Government any other charges than those which would be paid by an inhabitant of the country in which the real estate may be situated.

Estates of deceased persons.

If any citizen of the two high contracting parties shall die without a will or testament in any of the territories of the other, the Minister or Consul, or other Diplomatic Agent of the nation to which the deceased belonged, (or the representative of such Minister or Consul, or other Diplomatic Agent, in case of absence,) shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

ARTICLE IX.

Intermarriage and holding property not to change national character.

1. The citizens of the United States residing in Nicaragua, or the citizens of Nicaragua residing in the United States, may intermarry with the natives of the country; hold and possess, by purchase, marriage, or descent, any estate, real or personal, without thereby changing their national character, subject to the laws which now exist or may be enacted in this respect.

Exemption from military service and contributions.

2. The citizens of the United States residents in the Republic of Nicaragua, and the citizens of Nicaragua residents in the United States, shall be exempted from all forced or compulsory military service whatsoever, by land or sea; from all contributions of war, military exactions, forced loans in time of war; but they shall be obliged, in the same manner as the citizens of each nation, to pay lawful taxes, municipal and other modes of imposts, and ordinary charges, loans, and contributions in time of peace, (as the citizens of the country are liable,) in just proportion to the property owned.

Property not to be taken without compensation.

3. Nor shall the property of either, of any kind, be taken for any public object without full and just compensation to be paid in advance; and

Freedom of travel and intercourse.

4. The citizens of the two high contracting parties shall have the unlimited right to go to any part of the territories of the other, and in all cases enjoy the same security as the natives of the country where they reside, with the condition that they duly observe the laws and ordinances.

ARTICLE X.

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party. But before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted.

Consuls.

The Diplomatic Agents of Nicaragua and Consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be allowed to the agents of the same rank belonging to the most favored nations; and in the like manner the Diplomatic Agents and Consuls of the United States in Nicaragua shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Nicaragua to the Diplomatic Agents and Consuls of the most favored nations.

Most favored nation privileges accorded to Consuls.

Diplomatic Agents and Consuls.

ARTICLE XI.

For the better security of commerce between the citizens of the United States and the citizens of Nicaragua, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture, should unfortunately take place between the two high contracting parties, the citizens of either, who may be within the territories of the other, shall, if residing on the coast, be allowed six months, and if in the interior, a whole year, to wind up their accounts, and dispose of their property; and a safe conduct shall be given to them, to embark at any port they themselves may select. Even in case of rupture, all such citizens of either of the high contracting parties, who are established in any of the territories of the other, in trade or other employment, shall have the privilege of remaining and of continuing such trade or employment, without any manner of interruption, in the full enjoyment of liberty and property, so long as they behave peaceably, and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody, or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case, debts between individuals, property in public funds, and shares of companies, shall never be confiscated, nor detained, nor sequestered.

In case of unfriendly relation, citizens may remove property.

ARTICLE XII.

The citizens of the United States and the citizens of the Republic of Nicaragua, respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and property, the protection of the Government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested, or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, agreeably to the system of tolerance established in the territories of the high contracting parties; provided they respect the religion of the nation

Privileges of citizens of one nation in the territory of the other.

they reside, as well as the constitution, laws, and customs of
try.

ty shall also be granted to bury the citizens of either of the two
ntracting parties, who may die in the territories aforesaid, in
places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

ARTICLE XIII.

Refuge and asylum.

Whenever a citizen of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, and given all favor and protection for repairing their vessels, procuring provisions, and placing themselves in all respects in a condition to continue their voyage without obstacle of any kind.

ARTICLE XIV.

Right of transit between the Atlantic and Pacific Oceans.

The Republic of Nicaragua hereby grants to the United States, and to their citizens and property, the right of transit between the Atlantic and Pacific Oceans through the territory of that Republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both Republics and their respective citizens; the Republic of Nicaragua, however, reserving its rights of sovereignty over the same.

ARTICLE XV.

Neutrality of the routes to be guaranteed.

The United States hereby agree to extend their protection to all such routes of communication as aforesaid, and to guarantee the neutrality and innocent use of the same. They also agree to employ their influence with other nations to induce them to guarantee such neutrality and protection.

Free port.

No tonnage or other duties.

And the Republic of Nicaragua, on its part, undertakes to establish one free port at each extremity of one of the aforesaid routes of communication between the Atlantic and Pacific Oceans. At these ports no tonnage or other duties shall be imposed or levied by the Government of Nicaragua on the vessels of the United States, or on any effects or merchandise belonging to citizens or subjects of the United States, or upon the vessels or effects of any other country intended, bona fide, for transit across the said routes of communication, and not for consumption within the Republic of Nicaragua. The United States shall also be at liberty, on giving notice to the Government or authorities of Nicaragua, to carry troops and munitions of war in their own vessels, or otherwise, to either of said free ports, and shall be entitled to their conveyance between them without obstruction by said Government or authorities, and without any charges or tolls whatever for their transportation on either of said routes; provided said troops and munitions of war are not intended to be employed against Central American nations friendly to Nicaragua. And no higher or other charges or tolls shall be imposed on the conveyance or transit of persons and property of citizens or subjects of the United

Conveyance of troops.

Tolls.

States, or of any other country, across the said routes of communication, than are or may be imposed on the persons and property of citizens of Nicaragua.

And the Republic of Nicaragua concedes the right of the Postmaster-General of the United States to enter into contracts with any individuals or companies to transport the mails of the United States along the said routes of communication, or along any other routes across the Isthmus, in its discretion, in closed bags, the contents of which may not be intended for distribution within the said Republic, free from the imposition of all taxes or duties by the Government of Nicaragua; but this liberty is not to be construed so as to permit such individuals or companies, by virtue of this right to transport the mails, to carry also passengers or freight.

ARTICLE XVI.

The Republic of Nicaragua agrees that, should it become necessary at any time to employ military forces for the security and protection of persons and property passing over any of the routes aforesaid, it will employ the requisite force for that purpose; but upon failure to do this from any cause whatever, the Government of the United States may, with the consent, or at the request of the Government of Nicaragua, or of the Minister thereof at Washington, or of the competent legally appointed local authorities, civil or military, employ such force for this and for no other purpose; and when, in the opinion of the Government of Nicaragua, the necessity ceases, such force shall be immediately withdrawn.

Protection of persons and property on transit routes.

United States may protect routes by force.

In the exceptional case, however, of unforeseen or imminent danger to the lives or property of citizens of the United States, the forces of said Republic are authorized to act for their protection without such consent having been previously obtained.

But no duty or power imposed upon or conceded to the United States by the provisions of this article shall be performed or exercised except by authority and in pursuance of laws of Congress hereafter enacted. It being understood that such laws shall not affect the protection and guarantee of the neutrality of the routes of transit, nor the obligation to withdraw the troops which may be disembarked in Nicaragua directly that, in the judgment of the Government of this Republic, they should no longer be necessary, nor in any manner bring about new obligations on Nicaragua, nor alter her rights in virtue of the present treaty.

ARTICLE XVII.

It is understood, however, that the United States, in according protection to such routes of communication, and guaranteeing their neutrality and security, always intend that the protection and guarantee are granted conditionally, and may be withdrawn if the United States should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this treaty, either by making unfair discriminations in favor of the commerce of any country or countries over the commerce of any other country or countries, or by imposing oppressive exactions or unreasonable tolls upon mails, passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not, however, be withdrawn by the United States without first giving six months' notice to the Republic of Nicaragua.

Protection by the United States may be withdrawn.

ARTICLE XVIII.

Rights of citizens.

And it is further agreed and understood that in any grants or contracts which may hereafter be made or entered into by the Government of Nicaragua, having reference to the inter-oceanic routes above referred to, or either of them, the rights and privileges granted by this treaty to the Government and citizens of the United States shall be fully protected and reserved. And if any such grants or contracts now exist, of a valid character, it is further understood that the guarantee and protection of the United States, stipulated in Article XV of this treaty, shall be held inoperative and void until the holders of such grants and contracts shall recognize the concessions made in this treaty to the Government and citizens of the United States with respect to such inter-oceanic routes, or either of them, and shall agree to observe and be governed by these concessions as fully as if they had been embraced in their original grants or contracts; after which recognition and agreement said guarantee and protection shall be in full force; provided that nothing herein contained shall be construed either to affirm or to deny the validity of the said contracts.

ARTICLE XIX.

Dividends.

After ten years from the completion of a railroad, or any other route of communication through the territory of Nicaragua, from the Atlantic to the Pacific Ocean, no company which may have constructed or be in possession of the same shall ever divide, directly or indirectly, by the issue of new stock, the payment of dividends or otherwise, more than fifteen per cent. per annum, or at that rate, to its stockholders from tolls collected thereupon; but whenever the tolls shall be found to yield a larger profit than this, they shall be reduced to the standard of fifteen per cent. per annum.

ARTICLE XX.

Duration of treaty.

The two high contracting parties, desiring to make this treaty as durable as possible, agree that this treaty shall remain in full force for the term of fifteen years from the day of the exchange of the ratifications; and either party shall have the right to notify the other of its intention to terminate, alter, or reform this treaty, at least twelve months before the expiration of the fifteen years; if no such notice be given, then this treaty shall continue binding beyond the said time, and until twelve months shall have elapsed from the day on which one of the parties shall notify the other of its intention to alter, reform, or abrogate this treaty.

ARTICLE XXI.

Ratifications.

The present treaty shall be ratified, and the ratifications exchanged at the city of Managua, within one year, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the same, and affixed thereto their respective seals.

Done at the city of Managua, this twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-seven.

[SEAL.] A. B. DICKINSON.
[SEAL.] TOMAS AYON.

1870.

CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE.

Concluded June 25, 1870; *ratifications exchanged at Managua June* 24, 1871; *proclaimed September* 19, 1871.

The United States of America and the Republic of Nicaragua, having judged it expedient, with a view to the better administration of justice, and to prevention of crimes within their respective territories and jurisdiction, that persons convicted of, or charged with the crimes hereinafter mentioned, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States, Charles N. Riotte, a citizen and Minister Resident of the United States in Nicaragua, the President of the Republic of Nicaragua, Mister Tomas Ayon, Minister for For[eign] Relations; Negotiators.

Who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, viz:

ARTICLE I.

The Government of the United States and the Government of Nicaragua mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed. Reciprocal extradition of fugitive criminals. Evidence.

ARTICLE II.

Persons shall be delivered up, who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes: Crimes.

1. Murder, comprehending assassination, parricide, infanticide, and poisoning.

2. The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

3. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence, or putting him in fear.

4. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or government acts.

5. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank-notes, and obligations, and in general of all

titles of instruments of credit, the counterfeiting of seals, dies, stamps, and marks of State and public administrations, and the utterance thereof.

6. The embezzlement of public moneys, committed within the jurisdiction of either party, by public officers or depositors.

7. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subjected to infamous punishment.

ARTICLE III.

Persons cannot be extradited for political offences.

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article, shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

ARTICLE IV.

Offences in country of asylum.

If the person, whose surrender may be claimed pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE V.

Requisitions for extradition; mode of procedure.

Requisitions for the surrender of fugitives from justice shall be made by the respective Diplomatic Agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Nicaragua, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Nicaragua, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examining the question of extradition. If it should then be decided that, according to law and evidence, the extradition is due pursuant to this treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE VI.

Expenses.

The expenses of the arrest, detention, and transportation of the persons claimed shall be paid by the Government in whose name the requisition shall have been made.

ARTICLE VII.

This convention shall continue in force during five (5) years from the day of exchange of ratifications; but if neither party shall have given to the other six (6) months previous notice of its intention to terminate the same, the convention shall remain in force five (5) years longer, and so on. Duration of convention.

The present convention shall be ratified and the ratifications exchanged at the capital of Nicaragua, or any other place temporally occupied by the Nicaraguan Government, within twelve (12) months, or sooner if possible. Ratifications.

In witness whereof the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at the city of Managua, capital of the Republic of Nicaragua, the twenty-fifth day of June, one thousand eight hundred and seventy, of the Independence of the United States the ninety-fourth, and of the Independence of Nicaragua the fifty-ninth.

[SEAL.] CHARLES N. RIOTTE.
[SEAL.] TOMAS AYON.

NORTH GERMAN UNION.

1868.

CONVENTION RELATIVE TO NATURALIZATION.

Concluded February 22, 1868; *ratifications exchanged at Berlin May* 9, 1868; *proclaimed May* 27, 1868.

The President of the United States of America and His Majesty the King of Prussia in the name of the North German Confederation, led by the wish to regulate the citizenship of those persons who emigrate from the North German Confederation to the United States of America, and from the United States of America to the territory of the North German Confederation, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President of the United States of America,

Negotiators.

George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States near the King of Prussia and the North German Confederation; and His Majesty the King of Prussia, Bernhard König, Privy Councillor of Legation; who have agreed to and signed the following articles:

ARTICLE I.

Reciprocal naturalization conditions.

Citizens of the North German Confederation, who become naturalized citizens of the United States of America and shall have resided uninterruptedly within the United States five years, shall be held by the North German Confederation to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who become naturalized citizens of the North German Confederation, and shall have resided uninterruptedly within North Germany five years, shall be held by the United States to be North German citizens, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

This article shall apply as well to those already naturalized in either country as those hereafter naturalized.

ARTICLE II.

Offences committed before emigration.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving, always, the limitations established by the laws of his original country.

ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Prussia and other States of Germany on the other part, the sixteenth day of June, one thousand eight hundred and fifty-two, is hereby extended to all the States of the North German Confederation.

Former convention for extradition of fugitives from justice extended.

ARTICLE IV.

If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in North Germany renews his residence in the United States, without the intent to return to North Germany, he shall be held to have renounced his naturalization in North Germany. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

Renunciation of citizenship.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

Duration of convention.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the King of Prussia, in the name of the North German Confederation; and the ratifications shall be exchanged at Berlin within six months from the date hereof.

Ratifications.

In faith whereof, the Plenipotentiaries have signed and sealed this convention.

BERLIN, *the 22d of February*, 1868.

[SEAL.] GEORGE BANCROFT.

[SEAL.] BERNHARD KÖNIG.

OLDENBURG.

1847.

DECLARATION OF ACCESSION TO THE TREATY OF COMMERCE AND NAVIGATION WITH HANOVER OF JUNE 10, 1846.

Concluded March 10, 1847; *ratifications exchanged at Oldenburg March* 10, 1847.

Whereas a treaty of navigation and commerce between the United States of America and His Majesty the King of Hanover was concluded at Hanover on the 10th day of June last, by the Plenipotentiaries of the contracting parties, and was subsequently duly ratified on the part of both Governments;

And whereas by the terms of the twelfth article of the same, "the United States agree to extend all the advantages and privileges contained in the stipulations of the present treaty to one or more of the other States of the Germanic Confederation, which may wish to accede to them, by means of an official exchange of declarations; provided that such State or States shall confer similar favors upon the said United States to those conferred by the Kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations;"

And whereas the Government of His Royal Highness the Grand Duke of Oldenburg has signified its desire to accede to the said treaty, and to all the stipulations and provisions therein contained, so far as the same are or may be applicable to the two countries, and to become a party thereto; that is to say, to all the said stiipulations and provisions excepting only those relating to the Stade and the Weser tolls, in which the Government of Oldenburg has no interest, and over which it has no control:

Declaration of accession of the Grand Duchy of Oldenburg to the treaty with Hanover.

Now, therefore, the undersigned, Baron W. E. de Beaulieu Marconnay, of the Privy Council of His Royal Highness, and at the head of the Department of Foreign Affairs, on the part of Oldenburg, and A. D. Mann, Special Agent on the part of the United States, invested with full powers to this effect found in good and due form, have this day signed in duplicate, and have exchanged this declaration of the accession (hereby agreed to on the part of the United States) of His Royal Highness the Grand Duke of Oldenburg, for the Duchy of Oldenburg, to the treaty aforesaid, the effect of which accession and agreement is hereby declared to be to establish the said treaty between the high parties to this declaration as fully and perfectly, to all intents and purposes, as if all the provisions therein contained, excepting as above excepted, had been recited word

for word in a separate treaty, concluded and ratified between them in the ordinary form.

In witness whereof the above-named Plenipotentiaries have hereto affixed their names and seals. Done at Oldenburg this tenth day of March, 1847.

[SEAL.] A. DUDLEY MANN.
[SEAL.] W. E. VON BEAULIEU MARCONNAY.

1853.

DECLARATION OF ACCESSION* TO THE CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE, OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, AND TO ADDITIONAL ARTICLE THERETO OF NOVEMBER 16, 1852.

Signed December 30, 1853; *proclaimed March* 21, 1853.

Whereas a treaty for the reciprocal extradition of fugitive criminals, in special cases, was concluded between Prussia and other States of the Germanic Confederation, on the one hand, and the United States of North America on the other, under date of June 16th, 1852, at Washington, by the Plenipotentiaries of the contracting parties, and has been ratified by the contracting Governments; and whereas, in the second article of the same, the United States of North America have declared that they agree that the stipulations of the aforesaid treaty shall be applicable to every other State of the Germanic Confederation which shall have subsequently declared its accession to the treaty: Now, therefore, in accordance therewith, the Government of His Royal Highness the Grand Duke of Oldenburg hereby declares its accession to the aforesaid treaty of June 16th, 1852, which is, word for word, as follows:

Extradition treaty between the United States and Germanic States acceded to.

[The original declaration here includes a copy in German of the treaty of June 16, 1852, and of the additional article thereto of November 16, 1852.]

and hereby expressly gives assurance that each and every article and stipulation of this treaty shall be faithfully observed and enforced within the territory of the Grand Duchy of Oldenburg.

In testimony whereof, the Grand Ducal Minister of State of Oldenburg, in the name of His Royal Highness the Grand Duke of Oldenburg, has executed the present declaration of accession, and caused the Ministerial seal to be affixed thereto.

Done at Oldenburg, December thirtieth, one thousand eight hundred and fifty-three.

[SEAL.] VON RÖSSING,
Grand Ducal Minister of State of Oldenburg.

*Translation.

ORANGE FREE STATE.

1871.

GENERAL CONVENTION OF FRIENDSHIP, COMMERCE, AND EXTRADITION

Concluded December 22, 1871; *ratifications exchanged at Washington August* 18, 1873; *proclaimed August* 23, 1873.

The United States of America and the Orange Free State, equally animated by the desire to draw, more closely the bonds of friendship, which so happily exist between the two republics, as well as to augment, by all the means at their disposal the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of friendship, commerce and extradition.

For this purpose they have appointed as their plenipotentiaries, to wit: The President of the United States Willard W. Edgcomb, special agent of the United States and their consul at the Cape of Good Hope, and the President of the Orange Free State Friedrich Kaufman Höhne gov. secty., who, after communication of their respective full powers, have agreed to the following articles:

Negotiators.

ARTICLE I.

The citizens of the United States of America and the citizens of the Orange Free State, shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the constitutional or legal provisions of the contracting parties. No pecuniary or other more burdensome condition shall be imposed upon them, than upon the citizens of the country where they reside, nor any condition whatever to which the latter shall not be subject.

Equal treatment to citizens of the two countries, but this not to include political rights.

The foregoing privileges, however, shall not extend to the enjoyment of political rights.

ARTICLE II.

The citizens of one of the two countries residing or established in the other, shall be free from personal military service; but they shall be liable to the pecuniary or other contributions which may be required, by way of compensation, from citizens of the country where they reside, who are exempt from the said service.

Exemption from military service.

No higher impost, under whatever name shall be exacted from the citizens of one of the two countries residing or established in the other, than shall be levied upon citizens of the country, in which they reside, nor any contribution whatever, to which the latter shall not be liable.

Citizens of one country residing in the other not to pay higher imposts than those of the other, and to be on an equal footing with respect to indemnities for damages.

In case of war, or of the seizure or occupation of property, for public purposes, the citizens of one of the two countries, residing or established in the other, shall be placed upon an equal footing with the citizens of the country in which they reside, with respect to indemnities for damages they may have sustained.

Article III.

The citizens of each one of the contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, by sale, testament, donation or in any other manner, and their heirs, whether by testament or ab intestato, or their successors, being citizens of the other party, shall succeed to the said property or inherit it, and they may take possession thereof, either by themselves or by others acting for them, they may dispose of the same as they may think proper, paying no other charges than those to which the inhabitants of the country wherein the said property is situated, shall be liable to pay in a similar case. In the absence of such heir, heirs or other successors, the same care shall be taken by the authorities for the preservation of the property that would be taken for the preservation of the property of a native of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same.

Rights of person and property.

But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property, there shall be accorded to the said heir or other successor, such term as the laws will permit to sell such property, he shall be at liberty at all times to withdraw and export the proceeds thereof without difficulty, and without paying to the government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which the real estate may be situated.

Property of alien heirs.

Article IV.

Any controversy which may arise among the claimants to the property of a decedent, shall be decided according to the laws and by the judges of the country, in which the property may be situated.

Disputes respecting property.

Article V.

The contracting parties give to each other the privilege of having, each in their respective States, consuls and vice-consuls of their own appointment, who shall enjoy the same privileges as those of the most favored nation.

Most favored nation privileges accorded to consuls.

But before any consul or vice-consul shall act as such, he shall in the ordinary form, be approved by the government of the country in which his functions are to be discharged.

In their private and business transactions consuls and vice-consuls, shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

Offences by consuls.

It is hereby understood that in case of offence against the laws by a consul or vice-consul, the government from which he receives his exequatur may withdraw the same, send him away from the country, or have him punished in conformity with the laws, assigning to the other government, its reason for so doing.

Consular archives.

The archives and papers belonging to the consulates, shall be inviolate, and under no pretext whatever, shall any magistrate or other functionary inspect, seize, or in any way interfere with them.

ARTICLE VI.

No discrimination in duties on exports and imports.

Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation or transit of the natural or industrial products of the other, than are or shall be payable upon the like articles being the produce of any other country.

ARTICLE VII.

Most favored nation.

Each of the contracting parties hereby engages not to grant any favor in commerce to any nation, which shall not immediately be enjoyed by the other party.

ARTICLE VIII.

Extradition of criminal fugitives.

The United States of America and the Orange Free State, on requisitions made in their name through the medium of their respective diplomatic or consular agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other.

Provided, That this shall be done only, when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the person so accused, shall be found.

ARTICLE IX.

Crimes.

Persons shall be delivered up according to the provisions of this convention, who shall be charged with any of the following crimes, to wit; Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder, rape, forgery or the emission of forged papers, arson, robbery with violence, intimidation or forcible entry of an inhabited house, piracy; embezzlement by public officers, or by persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE X.

Surrender, how to be made.

The surrender shall be made by executives of the contracting parties respectively.

ARTICLE XI.

Expenses.

The expense of detention and delivery effected pursuant to the preceding articles, shall be at the cost of the party making the demand.

Article XII.

The provisions of the aforegoing articles relating to the surrender of fugitive criminals, shall not apply to offences committed before the date hereof, nor to those of a political character.

Surrender to apply to future crimes, and not to political offences.

Article XIII.

The present convention is concluded for the period of ten years, from the day of the exchange of the ratifications, and if one year before the expiration of that period, neither of the contracting parties shall have announced, by an official notification, its intention, to the other, to arrest the operations of the said convention, it shall continue binding for twelve months longer, and so on from year to year, until the expiration of the twelve months, which will follow a similar declaration, whatever the time at which it will take place.

Duration of convention.

Article XIV.

This convention shall be submitted, on both sides to the approval and ratification of the respective competent authorities and the ratifications shall be exchanged at Washington as soon as circumstances shall admit.

Ratifications.

In faith whereof, the respective plenipotentiaries have signed the above articles and have thereunto affixed their seals.

Done in quadruplicate at Bloemfonten this 22nd day of December in the year of our Lord, one thousand eight hundred and seventy-one.

[SEAL.] W. W. Edgcomb.
[SEAL.] F. K. Höhne.

THE OTTOMAN PORTE.

1830.

TREATY OF COMMERCE AND NAVIGATION.*

Concluded May 7, 1830; *ratifications exchanged at Constantinople October* 5, 1831; *proclaimed February* 4, 1832.

The object of this firm instrument, and the motive of this writing well drawn up, is, that—

No treaty or diplomatic and official convention having heretofore existed between the Sublime Porte, of perpetual duration, and the United States of America, at this time, in consideration of the desire formerly expressed, and of repeated propositions which have lately been renewed by that Power, and in consequence of the wish entertained by the Sublime Porte to testify to the United States of America its sentiments of friendship, we, the undersigned Commissioner, invested with the high office of Chief of the Chancery of State of the Sublime Porte, existing forever, having been permitted by His very Noble Imperial Majesty to negotiate and conclude a treaty, and having thereupon conferred with our friend the Honorable Charles Rhind, who has come to this Imperial Residence furnished with full powers to negotiate, settle, and conclude the articles of a treaty, separately and jointly with the other two Commissioners, Commodore Biddle and David Offley, now at Smyrna, have arranged, agreed upon, and concluded the following articles:

Negotiations.

ARTICLE I.

Merchants of the Sublime Porte, whether Mussulmans or Rayahs going and coming in the countries, provinces, and ports of the United States of America, or proceeding from one port to another, or from the ports of the United States to those of other countries, shall pay the same duties and other imposts that are paid by the most favored nations; and they shall not be vexed by the exaction of higher duties; and, in travelling by sea and by land, all the privileges and distinctions observed towards the subjects of other Powers shall serve as a rule, and shall be observed towards the merchants and subjects of the Sublime Porte. In like manner, American merchants who shall come to the well-defended countries and ports of the Sublime Porte shall pay the same duties and other imposts that are paid by merchants of the most favored friendly Powers, and they shall not, in any way, be vexed or molested; on both sides travelling passports shall be granted

Merchants.

* Translation. The original convention is in the Turkish language.

ARTICLE II.

The Sublime Porte may establish Shalibenders (Consuls) in the United States of America, and the United States may appoint their citizens to be Consuls or Vice-Consuls at the commercial places in the dominions of the Sublime Porte where it shall be found needful to superintend the affairs of commerce. These Consuls or Vice-Consuls shall be furnished with berats or firmans; they shall enjoy suitable distinction, and shall have necessary aid and protection. Consuls.

ARTICLE III.

American merchants established in the well-defended States of the Sublime Porte for purposes of commerce shall have liberty to employ semsars, (brokers,) of any nation or religion, in like manner as merchants of other friendly Powers; and they shall not be disturbed in their affairs, nor shall they be treated, in any way, contrary to established usages. American vessels arriving at or departing from the ports of the Ottoman Empire shall not be subjected to greater visit by the officers of the custom-house and the Chancery of the Port than vessels of the most favored nations. Employment of brokers. American vessels.

ARTICLE IV.

If litigations and disputes should arise between subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgment be pronounced unless the American Dragoman be present. Causes in which the sum may exceed five hundred piastres, shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted of any crime or offence, shall not be molested; and even when they may have committed some offence they shall not be arrested and put in prison, by the local authorities, but they shall be tried by their Minister or Consul, and punished according to their offence, following, in this respect, the usage observed towards other Franks. Settlement of disputes. Jurisdiction over American citizens.

ARTICLE V.

American merchant vessels that trade to the dominions of the Sublime Porte, may go and come in perfect safety with their own flag; but they shall not take the flag of any other Power, nor shall they grant their flag to the vessels of other nations and Powers, nor to vessels of rayahs. The Minister, Consuls, and Vice-Consuls of the United States shall not protect, secretly or publicly, the rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent. United States flag to be respected.

ARTICLE VI.

Vessels of war of the two contracting parties, shall observe towards each other, demonstrations of friendship and good intelligence, according to naval usage; and towards merchant vessels they shall exhibit the same kind and courteous manner. War vessels.

Merchant vessels of the United States, in like manner as vessels of the most favored nations, shall have liberty to pass the Canal of the Imperial Residence, and go and come in the Black Sea, either laden or in ballast; and they may be laden with the produce, manufactures, and effects of the Ottoman Empire, excepting such as are prohibited, as well as of their own country.

Passage of the Dardanelles.

ARTICLE VIII.

Merchant vessels of the two contracting Parties shall not be forcibly taken, for the shipment of troops, munitions and other objects of war, if the captains or proprietors of the vessels, shall be unwilling to freight them.

Ships not to be impressed.

ARTICLE IX.

If any merchant vessel of either of the contracting parties should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved; and the merchandise and effects, which it may be possible to save and recover, shall be conveyed to the Consul nearest to the place of the wreck, to be, by him, delivered to the proprietors.

Shipwrecks.

CONCLUSION.

The foregoing articles, agreed upon and concluded between the Riasset (Chancery of State,) and the above-mentioned Commissioner of the United States, when signed by the other two commissioners, shall be exchanged. In ten months from the date of this temessuck, or instrument of treaty, the exchange of the ratifications of the two Powers shall be made, and the articles of this treaty shall have full force and be strictly observed by the two contracting Powers.

Ratifications.

Given the 14th day of the moon Zilcaade, and in the year of the Hegira 1245, corresponding with the 7th day of May, of the year 1830 of the Christian æra.

MOHAMMED HAMED,
Reis-ul-Kutab, (*Reis Effendi.*)

1862.*

TREATY OF COMMERCE AND NAVIGATION.

Concluded February 25, 1862; *ratifications exchanged at Constantinople June* 5, 1862; *proclaimed July* 2, 1862.

The United States of America, on the one part, and His Imperial Majesty the Sultan of the Ottoman Empire, on the other part, being equally animated by the desire of extending the commercial relations between their respective countries, have agreed, for this purpose, to

* See Notes: "Abrogated, suspended, or obsolete treaties."

respective Plenipotentiaries, that is to say:

The President of the United States of America, Edward Joy Morris, Minister Resident of the Sublime Porte; and His Imperial Majesty the Sultan of the Ottoman Empire, His Highness Mehemed Emin Aali Pacha, Minister of Foreign Affairs, decorated with the Imperial Orders of the Othmanieh in Brilliants, the Majidieh, and Order of Merit of the first class, and the Grand Crosses of several foreign orders; Negotiators.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

All rights, privileges, and immunities, which have been conferred on the citizens or vessels of the United States of America by the treaty already existing between the United States of America and the Ottoman Empire, are confirmed, now and forever, with the exception of those clauses of the said treaty which it is the object of the present treaty to modify; and it is moreover expressly stipulated that all rights, privileges, or immunities, which the Sublime Porte now grants, or may hereafter grant to, or suffer to be enjoyed by the subjects, ships, commerce, or navigation of any other foreign Power, shall be equally granted to and exercised and enjoyed by the citizens, vessels, commerce, and navigation of the United States of America. Privileges of former treaties confirmed, except as herein modified. Most favored nation.

ARTICLE II.

The citizens of the United States of America, or their agents, shall be permitted to purchase, at all places in the Ottoman Empire and its possessions, (whether for the purposes of internal trade or exportation,) all articles, without any exception whatsoever, the produce or manufacture of the said Empire and possessions; and the Sublime Porte having, in virtue of the second article of the convention of commerce of the 16th of August, 1838, with Great Britain, formally engaged to abolish all monopolies of agricultural produce, or of every other article whatsoever, as well as all "permits" (*tezkerehs*) from the local Governors, either for the purchase of any article or for its removal from one place to another when purchased, any attempt to compel the citizens of the United States of America to receive such "permits" from the local Governors shall be considered as an infraction of this treaty, and the Sublime Porte shall immediately punish with severity any Viziers or other officers who shall have been guilty of such misconduct, and shall render full justice to citizens of the United States of America for all losses or injuries which they may duly prove themselves to have suffered thereby. Citizens of the United States may make purchases in the Ottoman Empire. "Permits" abolished.

ARTICLE III.

If any articles of Ottoman produce or manufacture be purchased by citizens of the United States of America, or their agents, for the purpose of selling the same for internal consumption in Turkey, the said citizens, or their agents, shall pay at the purchase and sale of such articles, and in any manner of trade therein, the same duties that are paid in similar circumstances by the most Duties on goods for internal consumption.

favored class of Ottoman subjects, or of foreigners in the internal trade of the Ottoman Empire.

ARTICLE IV.

Duties on exports.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the contracting parties, on the exportation of any article to the dominions and possessions of the other, than such as are or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two contracting Powers to the dominions and possessions of the other, which shall not equally extend to the exportation of the like article to any other country.

Prohibitions.

Export duty of eight per cent.

No charge or duty whatsoever will be demanded on any article of Ottoman produce or manufacture purchased by citizens of the United States of America, or their agents, either at the place where such article is purchased, or in its transit from that place to the place whence it is exported, at which it will be subject to an export duty not exceeding eight per cent., calculated on the value at the place of shipment, and payable on exportation; and all articles which shall once have paid this duty shall not again be liable to the same duty, however they may have changed hands within any part of the Ottoman Empire.

To be reduced one per cent. annually.

It is furthermore agreed that the duty of eight per cent. above mentioned will be annually reduced by one per cent., until it shall be in this manner finally reduced to a fixed duty of one per cent. ad valorem, destined to cover the general expenses of administration and control.

ARTICLE V.

Duties on imports.

No other or higher duties shall be imposed on the importation into the United States of America of any article the produce or manufacture of the dominions and possessions of His Imperial Majesty the Sultan, from whatever place arriving, whether by sea or by land; and no other or higher duties shall be imposed on the importation into the dominions and possessions of his Imperial Majesty of any article the produce or manufacture of the United States of America, from whatever place arriving, than are or may be payable on the like article the produce or manufacture of any other foreign country;

Prohibitions.

nor shall any prohibition be maintained or imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the contracting parties into the dominions and possessions of the other, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other country.

Import duties not to exceed eight per cent.

His Imperial Majesty further engages that, save as hereinafter excepted, he will not prohibit the importation into his dominions and possessions of any article the produce and manufacture of the United States of America, from whatever place arriving; and that the duties to be imposed on every article the produce or manufacture of the United States of America imported into the Empire and possessions of His Imperial Majesty the Sultan shall in no case exceed one fixed rate of eight per cent. ad valorem, or a specific duty, fixed by common consent, equivalent thereto. Such rate shall be

calculated upon the value of such articles at the wharf, and shall be payable at the time of their being landed, if brought by sea, or at the first custom-house they may reach, if brought by land.

If these articles, after having paid the import duty of eight per cent., are sold, either at the place of their arrival or in the interior of the country, neither the buyer nor the seller shall be charged with any further duty in respect to them; and if such articles should not be sold for consumption in the Ottoman Empire, but should be re-exported within the space of six months, the same shall be considered as merchandise in transit by land, and be treated as is stated hereinafter in Article XII of this treaty; the administration of the customs being bound to restore, at the time of their re-exportation, to the merchant, who shall be required to furnish proof that the goods in question have paid the import duty of eight per cent., the difference between that duty and the duty levied on goods in transit by land, as set forth in the article above cited.

Re-exportation.

ARTICLE VI.

It is understood that any article the produce or manufacture of a foreign country intended for importation into the United Principalities of Moldo-Wallachie, or into the Principality of Servia, which shall pass through any other part of the Ottoman Empire, will not be liable to the payment of customs-duty until it reaches those Principalities; and, on the other hand, that any article of foreign produce or manufacture passing through those Principalities, but destined for some other part of the Ottoman Empire, will not be liable to the payment of customs-duty until such article reaches the first custom-house under the direct administration of the Sublime Porte.

Articles intended for Moldo-Wallachia, or Servia.

For other ports of the Ottoman Empire.

The same course shall be followed with respect to any article the produce or manufacture of those Principalities, as well as with respect to any article the produce or manufacture of any other portion of the Ottoman Empire, intended for exportation. Such articles will be liable to the payment of customs-duties, the former to the custom-house of the aforesaid Principalities, and the latter to the Ottoman custom-house; the object being that neither import nor export duties shall in any case be payable more than once.

Same rule as to exports.

ARTICLE VII.

The subjects and citizens of the contracting parties shall enjoy, in the dominions and possessions of the other, equality of treatment with the native subjects or citizens in regard to warehousing, and also in regard to bounties, facilities, and drawbacks.

Warehousing, bounties, and drawbacks.

ARTICLE VIII.

All articles which are or may be legally importable into the United States of America, in vessels of the United States, may likewise be imported in Ottoman vessels without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in vessels of the United States; and, reciprocally, all articles which are or may be legally

No discrimination in duties on account of nationality of vessels.

importable into the dominions and possessions of His Imperial Majesty the Sultan in Ottoman vessels, may likewise be imported in vessels of the United States without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in Ottoman vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other country. In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the dominions and possessions of either of the contracting parties, on the exportation of any article which is, or may be, legally exportable therefrom, whether such exportations shall take place in Ottoman or in vessels of the United States, and whatever may be the place of destination, whether a port of either of the contracting parties, or of any third Power.

ARTICLE IX.

Tonnage, harbor, and light-house duties.

No duties of tonnage, harbour, pilotage, light-house, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country, which shall not equally, and under the same conditions, be imposed, in the like cases, on national vessels in general.

Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

ARTICLE X.

Proofs of nationality of vessels.

All vessels which, according to the laws of the United States, are to be deemed vessels of the United States, and all vessels which, according to Ottoman laws, are to be deemed Ottoman vessels, shall, for the purposes of this treaty, be deemed vessels of the United States and Ottoman vessels respectively.

ARTICLE XI.

No charge upon certain goods of the United States.

No charge whatsoever shall be made upon goods of the United States, being the produce or manufacture of the United States of America, whether in vessels of the United States or other vessels, nor upon any goods the produce or manufacture of any other foreign country carried in vessels of the United States, when the same shall pass through the Straits of the Dardanelles, or of the Bosphorus, whether such goods shall pass through those straits in the vessels that brought them, or shall have been transhipped to other vessels; or whether, after having been sold for exportation, they shall, for a certain limited time, be landed, in order to be placed in other vessels for the continuance of their voyage. In the latter case, the goods in question shall be deposited at Constantinople, in the magazines of the custom-house, called transit magazines; and &, in any other places where there is no entrepot, they shall be placed under the charge of the administration of the customs.

Article XII.

The Sublime Porte, desiring to grant, by means of gradual concessions, ıll facilities in its power to transit by land, it is stipulated ınd agreed that the duty of three per cent., levied up to this ime on articles imported into the Ottoman Empire, in their passage hrough the Ottoman Empire to other countries, shall be reduced to two ıer cent., payable as the duty of three per cent. has been paid hitherto, ın arriving in the Ottoman dominions; and at the end of eight years, to ıe reckoned from the day of the exchange of the ratifications of the pres- nt treaty, to a fixed and definite tax of one per cent., which shall be evied, as is to be the case with respect to Ottoman produce exported, o defray the expense of registration. Transit duty

The Sublime Porte, at the same time, declares that it reserves to it- elf the right to establish, by a special enactment, the meas- res to be adopted for the prevention of fraud. Frauds

Article XIII.

Citizens of the United States of America, or their agents, trading in oods the produce or manufacture of foreign countries, shall e subject to the same taxes and enjoy the same rights, rivileges, and immunities, as foreign subjects dealing in goods the pro- uce or manufacture of their own country. Taxes.

Article XIV.

An exception to the stipulations laid down in the fifth article shall be ade in regard to tobacco in any shape whatsoever, and so in regard to salt, which two articles shall cease to be cluded among those which the citizens of the United States of America e permitted to import into the Ottoman dominions. Tobacco and salt.

Citizens of the United States, however, or their agents, buying or lling tobacco or salt for consumption in the Ottoman Em- re, shall be subject to the same regulations and shall pay ıe same duties as the most favored Ottoman subjects trading in the o articles aforesaid; and furthermore, as a compensation for the pro- bition of the two articles above-mentioned, no duty what- ever shall in future be levied on those articles when exported om the Ottoman Empire by citizens of the United States. Traders in tobacco and salt in Turkey. No export duty on tobacco and salt.

Citizens of the United States shall, nevertheless, be bound to declare e quantity of tobacco and salt thus exported to the proper stom-house authorities, who shall, as heretofore, have the ght to watch over the export of these articles, without thereby being titled to levy any tax thereon on any pretence whatsoever. Regulations as to their exportation.

Article XV.

It is understood between the two contracting parties that the Sublime orte reserves to itself the faculty and right of issuing a eneral prohibition against the importation into the Ottoman mpire of gunpowder, canon, arms of war, or military stores, but such ohibition will not come into operation until it shall have been officially tified, and will apply only to the articles mentioned in the decree acting the prohibition. Any of these articles which have not been specifically prohibited shall, on being imported into the Ottoman Importation of gunpowder and arms.

Empire, be subject to the local regulations, unless the legation of the United States of America shall think fit to apply for a special license, which will in that case be granted, provided no valid objection thereto can be alleged. Gunpowder, in particular, when allowed to be imported, will be liable to the following stipulations:

Gunpowder.

1. It shall not be sold by citizens of the United States in quantities exceeding the quantities prescribed by the local regulations.

2. When a cargo or a large quantity of gunpowder arrives in an Ottoman port, on board a vessel of the United States, such vessel shall be anchored at a particular spot, to be designated by the local authorities, and the gunpowder shall thence be conveyed, under the inspection of such authorities, to depots, or fitting places designated by the Government, to which the parties interested shall have access under due regulations.

Fowling-pieces, pistols, and ornamental or fancy weapons, as also small quantities of gunpowder for sporting, reserved for private use, shall not be subject to the stipulations of the present article.

Not to apply to certain articles.

ARTICLE XVI.

The firmans required for merchant-vessels of the United States of America, on passing through the Dardanelles and the Bosphorus, shall always be delivered in such manner as to occasion to such vessels the least possible delay.

Firmans.

ARTICLE XVII.

The captains of merchant-vessels of the United States laden with goods destined for the Ottoman Empire shall be obliged, immediately on their arrival at the port of their destination, to deposit in the custom-house of said port a true copy of their manifest.

Manifests to be deposited in custom-house.

ARTICLE XVIII.

Contraband goods will be liable to confiscation by the Ottoman treasury; but a report or *procès verbal* of the alleged act of contraband must, so soon as the said goods are seized by the authorities, be drawn up and communicated to the consular authority of the citizen or subject to whom the goods said to be contraband shall belong; and no goods can be confiscated as contraband unless the fraud with regard to them shall be duly and legally proved.

Contraband.

Proceedings to confiscate.

ARTICLE XIX.

All merchandise the produce or manufacture of the Ottoman dominions and possessions, imported into the United States of America, shall be treated in the same manner as the like merchandise the produce or manufacture of the most favored nation.

Subjects, vessels, and merchandise of the Sublime Porte in the United States.

All rights, privileges, or immunities, which are now or may hereafter be granted to, or suffered to be enjoyed by, the subjects, vessels, commerce, or navigation of any foreign Power in the United States of America shall be equally granted to, and exercised and enjoyed by, the subjects, vessels, commerce, and navigation of the Sublime Porte.

Article XX.

The present treaty, when ratified, shall be substituted for the commercial convention of the 16th of August, 1838, between the Sublime Porte and Great Britain, on the footing of which the commerce of the United States of America has been heretofore placed, and shall continue in force for 28 years from the day of the exchange of the ratifications; and each of the two contracting parties being, however, at liberty to give to the other, at the end of 14 years, (that time being fixed, as the provisions of this treaty will then have come into full force,) notice for its revision, or for its determination at the expiration of a year from the date of that notice, and so again at the end of 21 years.

Present treaty to be substituted for convention of August 16, 1838.

Duration of treaty.

The present treaty shall receive its execution in all and every one of the provinces of the Ottoman Empire; that is to say, in all the possessions of His Imperial Majesty the Sultan, situated in Europe or in Asia, in Egypt, and in the other parts of Africa belonging to the Sublime Porte, in Servia, and in the United Principalities of Moldavia and Wallachia.

Treaty to be executed in all the provinces of the Ottoman Empire.

Article XXI.

It is always understood that the Government of the United States of America does not pretend, by any article in the present treaty, to stipulate for more than the plain and fair construction of the terms employed, nor to preclude in any manner the Ottoman Government from the exercise of its rights of internal administration where the exercise of these rights does not evidently infringe upon the privileges accorded by ancient treaties, or by the present treaty, to citizens of the United States or their merchandise.

Treaty to be construed fairly.

Article XXII.

The high contracting parties have agreed to appoint, jointly, commissioners for the settlement of a tariff of custom-house duties, to be levied in conformity with the stipulations of the present treaty, as well upon merchandise of every description being the produce or manufacture of the United States of America imported into the Ottoman Empire, as upon articles of every description the produce or manufacture of the Ottoman Empire and its possessions, which citizens of the United States or their agents are free to purchase in any part of the Ottoman Empire for exportation to the United States or to any other country. The new tariff, to be so concluded, shall remain in force during seven years, dating from the date of the exchange of the ratifications.

Tariff of custom house duties.

To remain in force seven years.

Each of the contracting parties shall have the right, a year before the expiration of that term, to demand the revision of the tariff. But if, during the seventh year, neither the one nor the other of the contracting parties shall avail itself of this right, the tariff then existing shall continue to have the force of law for seven years more, dating from the day of the expiration of the seven preceding years; and the same shall be the case with respect to every successive period of seven years.

How and when may be revised.

ARTICLE XXIII.

The present treaty shall be ratified and the ratifications shall be exchanged at Constantinople in three calendar months, or sooner if possible, and shall be carried into execution when ratified.

Ratifications.

Done at Constantinople on the twenty-fifth day of February, eighteen hundred and sixty-two.

[SEAL.] EDWARD JOY MORRIS.
[SEAL.] AALI.

[Translation.]

Tariff of Duties on Articles imported into the Ottoman Empire from the United States.

PREAMBLE.

Merchandize, the produce of the soil and industry of the United States of America imported into the Ottoman Empire—except those which are prohibited—by citizens of the United States, as well also, as the merchandize, the produce of the soil and industry of the Ottoman Empire purchased by citizens of the United States or their Agents, in any part of the Empire for exportation, to the United States, or elsewhere, have heretofore, been required to pay Custom House Duties, established in a Tariff based upon the prices at the time.

As however, the Tariff made in the month of January 1847 has, now some time since, expired, its revision delayed by varied causes, is rendered necessary by the stipulations of the new Treaty, and the Commissioners of the Government of the United States, have, in conjunction with those of the Sublime Porte now drawn up the following Tariff:

Tariff of Custom House Duties, on all goods and merchandise, the produce and manufacture of the United States of America, imported into the Ottoman Empire established by the American-Ottoman Commission, February 28th, 1862.

Articles.	Quantities and weights.	Current price of article.		Value of Turkish pound.		Turkish pound of p. 100.		Deduction of 10 per cent.		Real price of article.		Duty.	
		P.	p.	P.	p.	P.	p.	P.	p.	P.	Cent.	P.	Centimes.
Alcohol from 36 to 40 degrees	Oke	10	20	185		5	27		23	5	10		40
Arrowroot	Ad valorem												
Bacon	Oke	22		110	20	19	36	1	39	17	90	1	43
Balsam	Ad valorem												
Bark	do												
Beds	do												
Beef, salted	Barrel, 1½ to 2 cantars	450		106		424	21	42	18	382		30	56
Do	½ barrel	225		106		212	10	21	10	191		15	28
Beeswax	Ad valorem												
Biscuit	do												
Blacking	do												
Brandy	do												
Butter	do												
Candles:	do												
Spermacetti	Oke	40		106	20	37	22	3	30	33	80	2	70
Adamantine	do	19		107		17	30	1	31	16		1	28
Mould	do	9	20	107	10	8	35		35	8			64
Cardamons	do	70		107		65	16	6	21	58	90	4	71
Cascarilla	do	16		116		13	31	1	15	12	45		99
Chairs:	do	13		106		12	10	1	10	11			88
Seats of bamboo cane	Ad valorem												
Wooden	do												
Baking	do												
Cheese	do												
Cinnamon	do												
Clocks	Oke	20		116		17	09	1	28	15	50	1	24
Cloves	Ad valorem												
Cochineal	Oke	7		106		6	24		26	5	95		47
Codfish	do	70		106		66	01	6	24	59	45	4	75
Coffee, West India & Brazil	Cantar	95		106		89	24	8	38	80	70	6	45
Cotton	100 okes	970		114		850	35	85	63	766		61	28
Cubebs	Ad valorem												
Dye woods:	Oke	17	20	106	20	16	17	1	25	14	80	1	18
Fustic	Ad valorem												
Logwood	Cantar	49	20	128		38	26	3	34	34	80	2	78
Pernambuco	do	60		128		468	30	46	35	421	90	33	75
Santa Martha	do	185	20	128		144	36	14	19	130	45	10	43

Articles.	Quantities and weights.	Current price of article.		Value of Turkish pound.		Turkish pound of P. 100.		Deduction of 10 per cent.		Real price of article.		Duty.	
		P.	p.	P.	p.	P.	p.	P.	p.	P.	Cent.	P.	Centimes.
Flour	Cantar												
Gin	do												
Ginger, black & white	do												
Glassware	do												
Gunny bags & gunny cloth	do												
Hardware													
Herrings	Barrel of 600 to 1,000	190		107		177	22	17	30	159	80	12	78
Hides:													
Dry ox & cow	Oke	13	10	106	20	12	17	1	09	11	20		39
Salted	Ad valorem												
India-rubber shoes & boots	do												
Ipecacuanha	Oke	105		132		79	21	7	38	71	60	5	72
Lead, sheets and tubes	Cantar	198	16	106		187	06	18	28	168	45	13	47
Lumber	Ad valorem												
Manufactures of cotton, i. e.:													
Bed-ticking, 27 | 32 inches	Yard	3		106	20	2	32		11	2	55		20
" 35 | 52 "	do	4	20	106	20	4	09		17	3	80		30
Calicoes or domestics													
Carpets, fine brussels	Arshine	23	20	113		20	10	2	01	18	20	1	45
Grey of every width & quality (grey shirtings or madanpolans excepted).	Oke	22	20	132		17	01	1	28	15	40	1	23
White cloths & other plain white calicoes of every width & quality (white shirtings & madenpolans excepted).	do	19	36	106	20	18	27	1	34	16	85	1	34
Drills, cotton:													
Dyed	do	28	20	132		21	23	2	06	19	50	1	56
White	Ad valorem												
Raven duck, 25 | 27 inches wide													
36 | 40 yards	Piece	121		110	20	109	20	10	38	98	55	7	88
Sail-cloth, hemp	Ad valorem												
Shirtings, maddenpolans of all widths & quality													
Grey	Oke	22	29	106	20	21	13	2	05	19	20	1	53
White		28	16	106	20	26	26	2	26	24		1	92
Molasses	Ad valorem												
Nutmegs	Oke	57		113	30	50	04	5		45	10	3	60
Oil:													
Castar	do	14		110	20	12	26	1	10	11	40		91
Peppermint	Ad valorem												
Paint (oil) prepared & assorted	Barrel of 8 to 11 okes					40	29	4	03	36	65	2	93
Pepper	Oke	8		128		6	10		25	5	65		45

Pimento	do	8		128		6	10		25	5	65		45
Pitch	Barrel of 2 to 2½ cantars	50		114	20	43	26	4	14	30	30	2	14
Rice	Ad valorem.												
Pork, salted	Barrel of 77 to 88 okes	280		106		264	06	26	16	237	75	19	02
Rosin	Cantar	55		140		39	11	3	36	35	40	2	83
Rum	Gallon of 1,070 drhms	15		185		8	04		32	7	30		58
Sarsaparilla:													
In the root	Oke	37		105		35	09	3	20	31	80	2	54
Prepared	do	68	20	105		65	09	6	20	58	75	4	70
Soap, fine	do	5	20	106		5	07		20	4	70		37
Spirits of turpentine	do	7		114		6	05		24	5	55		44
Staves	Ad valorem												
Sugar:													
Refined in loaf	Cantar	337	20	106		318	15	31	33	286	55	22	92
Crushed	do	258	23	106		244	03	24	16	229	70	17	57
Muscovado, all sorts	do	210		114		184	08	18	15	165	80	13	26
Tacks	Ad valorem												
Tea	Oke	50		113	30	43	38	4	15	39	90	3	19
Vanilla	Ad valorem												
Whiskey	do												

ARISTAKIS AYARIAN,
Commissioner.

CONSTANTINOPLE, *February* 28, 1862.

Approved.

JOHN P. BROWN,
Ex officio.

E. JOY MORRIS.

Tariff—Articles of exportation.

Description of merchandise.	Quantities.	Nett prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	Cent.	Piastres.	Cent.
Adze of Gabrova	per 2 boxes of 120 okes	473		37	
Aniseed of Kaissariah	" oke	2	60		20
" " Roumeli	" "	2	30		18
Ankle rings called halhal	" 1000	49	30	3	94
Aprons of Broussa called Souta	" pair	32	20	2	57
" " Hama embroidered in gold	" "	128	60	10	28
" plain	" "	46	70	3	73
Arrach of Mastic	" oke	5	80		46
" called Soma, extracted from grapeskins 16 to 18 carats.	" "	2	90		23
Bags of horse hair, Roumeli and Anatoli.	" "	7	80		62
Bamias	ad valorem				
Barley	per kilo	5	40		43
Basketrods	per cartload	361	30	28	90
Basin and Ewer of copper	together	82	70	6	61
Bath Aprons of Broussa (peshtimal)	per pair	16	70	1	33
" " " (akbash peshtimal).	" "	9	80		78
Bath Aprons of Constantinople	" "	10	60		84
" " " of silk ordinary.	" "	19	80	1	58
Bath Aprons of Constantinople (Kurkkalem).	" "	49	60	3	96
Bath Aprons of Gheiva (peshtimal)	" "	9	90		79
Bath Aprons of Gheiva (akbash peshtimal).	per pair	7	90		66
Bath Aprons of Salonica	" "	16	30	1	30
Beads, strung into chaplets from Jerusalem.	" oke	9	80		78
Beans	ad valorem				
Bells	per oke	13	20	1	5
Berries of Angora, Kaissariah, Tokat and Skilip superfine.	" "	4	20		33
Berries of Roumeli of all sorts	" "	1	30		10
" " Skilip Kaissariah and of mountain growth of Anatolia, inferior.	" "	2	90		23
Biscuits of all sorts	ad valorem				
Bits, Bridles, Reins, Cruppers, Stirrup leathers and Girths.	per parcel of 10 pieces	52	50	4	20
Bones (animal)	" quintal	10			80
Boots (black and red)	ad valorem				
" (yellow)	per pair	23	20	1	85
Botargo Fishroe	ad valorem				
Boulamah	"				
Box wood of all sorts of Anatoli and Roumeli.	per quintal	12	60	1	
Bracelets, called halhal	" 1000	49	30	3	94
Braid for cloaks of Roumeli	" oke	26	30	2	10
" " " Volo	" "	39	40	3	15
" silk " "	" "	262	80	21	2
Braid of wool	" "	49	60	3	96
Brass vases	" "	23	20	1	85
Brocade of Gold called Paten	" piece	198	50	15	88
Brooms	" cartload of 2000	1314		105	2
Bundle piece called Bogtcha for tying bundles from Cyprus.	" piece	13	30	1	6
Butter	ad valorem				
Calicoes printed of Constantinople	per piece	16	50	1	32
Canary seed	per k. of Constan: of 20 okes	19	36	1	54
Candles tallow	ad valorem				
" wax	" "				
Cap of Cloth called Aba	per parcel of 10	10			80
Cap called Fez, of Tunis, large size superfine & inferior.	" " 4	113	30	9	6
Cap called Fez, of Tunis, small size	" " 12	113	30	9	6
" Medjidiè	" " 4	66	70	5	33
" (Kulah) made of felt of Constantinople and Broussa.	" piece	3	30		26
Carpets from Cushak	" oke	25	20	2	1
" called Kilim, without down, large size (Seishané).	" piece	49	30	3	94
small " "	" "	26	30	2	10
Carpets for soldiers beds	per piece	13	10	1	4
" turcoman (Kilim)	" "	128	60	10	28
Carobs	ad valorem				
Cheese	"				
Cherry wild called mehleb	per oke	4	10		32

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Nett prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	Cent.	Piastres.	Cent.
Cloak of Cloth, called Abà, superfine 15 rows of braid from Salonica and Zagora.	each	40	.....	3	2
Cloak of Cloth, called Kazan abassi with 7 rows of braid.	"	26	70	2	13
Cloak called Cappa or Kobe of Bosnia	"	26	70	2	13
" " " Brashol	"	98	50	7	88
" of Goats wool cloth	"	230	.....	18	40
" " Islimia	"	65	70	5	25
" called mountain cappa	"	29	50	2	36
Cobbler's glue	per oke	3	90	.....	31
Coffee	ad valorem				
Coffee mills	each	16	40	1	31
Coffee-pots of Castambol	per oke	26	30	2	12
Colocynth	ad valorem				
Combs of Box wood	per Caprera of 5,500	246	30	19	70
" " common wood	" "	131	40	10	51
" " ivory of Constantinople	" oke	123	30	9	86
Copper old	" "	9	30	.....	74
" pigg	ad valorem				
Copper vessels of Castambol & Constantinople.	per oke	26	30	2	12
Copper Tokat	" "	19	70	1	57
" Trebizond	" "	23	.....	1	84
" utensils, second hand	" "	16	50	1	32
Cotton cloth of Alaia—wide	" piece	5	80	.....	46
" " " narrow	" "	4	70	.....	37
" " Castambol (Kemerlik)	" "	5	80	.....	46
" " Constantinople (Idareh)	" "	49	60	3	96
" " "	" " of 12 pikes	13	30	1	6
" " Ghedous wide and narrow.	" Bale of 50 to 55 pieces.	411	80	32	94
Cotton cloth of Ghedous called Establick	" piece	7	.....	.....	56
" " Menemem	" "	9	20	.....	73
" " Merzifoun	" "	16	40	1	31
" Fringe	" oke	33	10	2	64
" Lining of Kaissariah, Sivas and Gallipoli.	ad valorem				
Cotton Lining of Castambol	per Bale of 60 pieces from 18 to 19 pikes each.	450	.....	36	.....
" " Hamid	per Bale of 60 pieces	443	50	35	48
" " Gheiveh	ad valorem				
" " Tashkenpru	per piece	3	90	.....	31
" stuff of Hamid and Denizli called Aladja and Boghassi coloured.	" oke	14	20	1	13
Cotton stuff of Tokat called Boghassi	" "	6	30	.....	50
" " Magnesia called Aladja	" Bale of 100 pieces	385	70	3	85
" " Tirch and Bound	" piece	5	20	.....	41
" " of Constantinople called adjai vefa inferior.	" piece of 9 to 10 pikes	16	50	1	36
Cotton & silk stuff of Aleppo called Aladja.	" piece	38	50	3	7
Cotton and silk of Aleppo & Hama called Kitabi.	" "	29	50	2	36
Cotton and silk stuff of Constantinople called Aladjai vefa superfine.	" piece of 9 to 10 pikes	33	10	2	64
Cotton sewing thread of all colours	per oke	52	90	4	20
" & silk (Tirei Kazazieh)	" "	19	80	1	58
" Twist Argatch and Boghus	" "	9	70	.....	79
" " Scio	" "	13	19	1	11
" " Smyrna, white and coloured	" "	13	.....	1	4
" " red	" "	19	70	7	57
" Wool Anatoli Cyprus and Boghus	" quintal	270	.....	21	60
" " Egypt	ad valorem				
" " Roumelia	per quintal	257	20	20	57
Counterpanes, white and coloured of Tunis, called Batanieh and Thram.	ad valorem				
Crape of Constantinople	per piece	66	20	5	29
Cummin seed	" oke	2	.....	.....	16
Cups of Kentahia	" basket	98	50	7	88
Currants	per quintal	160	70	12	85
Cushions of Bilidgik	" pair	57	90	4	63
" Broussa called Beledi	por pair	19	60	1	56
" Cyprus " Yastik	each	13	30	1	6
" Merzifoun	" pair	26	10	2	8
" Scutari	ad valorem				

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Nett prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	Cent.	Piastres.	Cent.
Cutlery, knives, penknives, scissors and Adzes of Gabrova.	per 2 boxes of 120 okes ..	473	.....	37	84
Dari	" kilo of Constan	4	50	.....	36
Drawers of cotton	each	6	60	.....	52
" " mixed stuff called meless	" "	23	20	1	85
Dye called Fes Boyassi	ad valorem	.....	.....	.....	.....
" " Gulbahar	per oke	2	.....	.....	16
Egyptian articles without exception	ad valorem	.....	.....	.....	.....
Emery stone	" "	.....	.....	.....	.....
Felt of Ushak called Zeili	" oke	19	40	1	55
Felt rugs from Ismid	each	13	10	1	4
" " Kaissariah	"	16	40	1	31
" " Karahissar white and coloured.	"	12	30	.....	98
from Salonica	"	19	70	1	57
Figs dried	ad valorem	.....	.....	.....	.....
Fish salted of all sorts	" "	.....	.....	.....	.....
Fisbroe called Botargo	" "	.....	.....	.....	.....
Flints	" 2 skins of 120 okes containing 30,000.	492	80	39	42
Frankincense, superfine, both in dust and picked.	ad valorem	.....	.....	.....	.....
Fringe of cotton	per oke	33	10	2	64
Fur of Beaver	per skin	30	.....	2	40
" " Cat of Anatoli	touloum	33	30	2	66
" " black of Roumeli	"	183	30	14	66
" " feet of Anatoli	"	36	70	2	93
" " black cat's feet	"	80	.....	6	40
" Cat's, tortoise shell (saz kedissi) ...	per skin	46	70	3	73
" Fox of Anatoli	" "	8	.....	.....	64
" " Bosnia	" "	36	70	2	90
" " Roumeli	" "	18	.....	1	44
" "'s back of Anatoli	touloum	106	70	8	53
" " " " Bosnia and Roumeli Calavros.	per parcel of 20	46	70	3	73
Fur of Fox's back of head of Anatoli called Gilkafa.	touloum	83	30	6	66
Fur of Fox's back of Bosnia	"	266	70	21	33
" " " " Bosnia, calavros, called Gilkafa.	"	166	70	13	33
Fur of Fox's back of Erzeroum (Gilkafa)	"	150	.....	12	.....
" " " " Ochrida (Gilkafa	"	400	.....	32	.....
" " " " Roumeli "	"	233	30	18	66
" " " " Zagora "	per parcel of 20	100	.....	8	.....
" " belly of Anatoli called Nafé	touloum	83	30	6	66
Fur of Fox's Belly, Bosnia, called Nafé	"	240	.....	19	2
" " " Erzeroun " "	"	150	.....	12	.....
" " " Ochrida " "	"	400	.....	32	.....
" " " Roumeli " "	"	166	70	13	33
" " " " Calav. "	"	90	30	7	20
" " " Uskup. "	"	166	70	13	33
" " breast of Anatoli, called kasikli ghenksee.	per pair	21	30	1	70
Fur of Fox's head of Bosnia and Roumeli	touloum	266	70	21	33
" " " of Bosnia	per skin	36	70	2	93
" " throat	" pair	80	.....	6	40
" " skin of Roumeli	" skin	18	.....	1	44
" Goat " " "	touloum	14	70	1	17
" Jackal " Anatoli	per skin	8	.....	.....	64
" " " "	touloum	60	.....	4	80
" Lynx " Erzeroum	per skin	150	.....	12	.....
" " " Roumelia	ad valorem	.....	.....	.....	.....
" Marten's skin of Anatoli & Roumeli called Zerdava.	" "	.....	.....	.....	.....
Fur of Marten's belly called Najfu Zerdava.	" "	.....	.....	.....	.....
Fur of Marten's head, feet, & small bits	" "	.....	.....	.....	.....
" Polecat of Anatoli called Sansar	" skin	33	30	2	66
" " Roumeli	ad valorem	.....	.....	.....	.....
" " head	touloum	233	30	18	66
" " feet of 1st quality	ad valorem	.....	.....	.....	.....
" " feet of Roumeli	touloum	266	70	21	33
" " small bits	per oke	150	.....	12	.....
" Skunk called Ghioutchen	ad valorem	.....	.....	.....	.....
" " feet	" "	.....	.....	.....	.....
" Rat's skin	" "	.....	.....	.....	.....
" Weasel—short haired (Tuisiz)	per skin	6	70	.....	53

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Nett prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	Cent.	Piastres.	Cent.
Fur of Wolf's skin of Anatoli	touloum	83	30	6	66
" " " " Roumeli	per skin	14	70	1	17
Galbanum, a gum resin	touloum	76	80	6	13
Galls, of all sorts, superfine and ordinary	per oke	7	70		61
Gauze of Constantinople. See also crape.	" quintal	296		23	68
" called Jehré	" piece	66	20	5	29
" for sieves called Eleklik	each	26	50	2	12
" called Oyabash	" piece	52	90	4	23
Gilt silk thread	each	7	90		63
Girths, with bits bridles, reins, cruppers and martingale.	" miskal	4	30		34
Girth, plain	" parcels of 10	52	50	4	20
" embroidered in gold wide and narrow.	" oke	26	30	2	10
Glue	" parcels of 10	58	50	4	68
Goats hair of all sorts called Platoon	" oke	2	57		20
" " or Mohair yarn of Angora	ad valorem				
" wool of Angora Koniah, Castambol Guiredeh, and Bei Bazari (Tiftik & Finik)	per oke	35	90	2	7
Goats wool Van	" "	20	50	1	64
Gold braid	" "	10			80
" lace of Constantinople	" "	99	30	7	94
Gold leaf	ad valorem				
" and silver thread	per gross	92	50	7	40
Gum ammoniac	ad valorem				
" Arabic	" "				
Gun barrels called Harè and Sarma	per oke	5	20		41
Gut cords	each	46		3	68
Halters	" barrel	15	20	1	21
Halva of all sorts	" "	16	50	1	33
Handkerchiefs, called kallemkiars, of Yemen, small and inferior.	ad valorem				
Handkerchiefs, called kallemkiars, of Yemen, middling.	each	1	50		12
Handkerchiefs, Yemen, large and superfine.	"	4	60		36
Handkerchiefs of Scutari	"	6	20		49
Heel irons for boots	per piece	27	80	2	22
Hemp of Ismid	per oke	6	50		52
" seed	" "	3	30		26
" tow of Ismid	" "		80		6
" " from Castambol	" "	2	60		19
Hides, dry and salted, large and small, of buffalo and ox.	" "	1	80		14
Honey	ad valorem				
Horns of buffalo	" "				
" " ox	per 100 pairs	262	80	21	4
" " stag	" " "	230		18	40
Horse hair thread	" oke	4			32
" shoes	" "	7	80		62
" " nails	" 160 pieces	131	40	10	50
Indigo, Egyptian	" oke	19	70	1	57
Ink, liquid	ad valorem				
" dry	per oke	2	70		21
Inkstands of brass	" "	9	90		79
Jackets of Constantinople, called Santa Maria.	ad valorem				
Jackets of Constantinople, called Santa Maria, small.	each	19	80	1	58
Jackets of inferior aba cloth, called Demir Hoporan, with one and three braids.	"	9	90		79
Jackets of goat's wool cloth, called Demir Hoporan, middling quality.	"	23	30	1	86
Knives and pen-knives, scissors and adzes of Gabrova.	"	33	30	2	68
Kutter, paste of boiled grape-juice	per 2 boxes of 120 oke	473		37	84
Lead	" quintal	160	70	12	85
Leather, Morocco, of Heraclea and Balikesri.	ad valorem				
Leather, Morocco, of Islimia, Chirpan, Carlova, and other places, black and yellow.	per piece	12	50	1	
	per piece	6	90		55

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Net prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	cent.	Piastres.	cent.
Leather, Morocco, Haissariah and Egin.	" parcel of 5 pieces	86	50	6	95
" " Roumeli	" piece	13	90	1	11
" " Sparta Konia, Smyrna, Ushak, Shumla, black.	" "	11	10		88
Leather, Morocco, Ushak and Tossia	" parcel of 6 pieces	83	10	6	66
" sheepskins of Anatoli and Roumeli, not dyed.	" piece	3	30		25
Leather, sheepskins of Anatoli, red	" "	5	30		42
" " Constantinople	" "	3	30		26
" " sole, buffalo and ox	" "	48	20	3	85
" " Aidin	" "	25	70	2	5
" " Gheredé	" "	32	20	2	50
" sole, Constantinople, called Davloun.	" "	30	80	2	46
Leather, sole, Constantinople, called Hafali Etek.	" "	24	70	1	97
Leeches	" oke	190	60	15	64
Leggings of abà, called Kaltchim	" parcel of 10 pairs	66	70	5	33
Lentils	ad valorem				
Linen cloth of Anatoli	per oke	12	80	1	2
" " " Merzifoun	" piece	5	80		46
" " " Rizeh, superfine	" oke	64	30	5	14
" " " " inferior	" "	25	70	2	5
Linseed	per k. of Constan'ple of 20 okes.	18		1	44
Linen thread of Anatoli	per oke	13		1	4
" " " Beibazar	" "	16	20	1	29
" " " Castambol, Gheiveh, and Alaia.	" "	9	70		77
Linen thread called Hamlati Tireh	" "	31	50	2	52
" " Karagialar	" "	19	40	1	55
" " Kebeb and Sourmeneh	" "	16	20	1	29
" " of Markoula	" "	8	40		67
" " Monastir	ad valorem				
" " in skeins	per oke	16	20	1	29
Liquorice paste	ad valorem				
Madder roots from Anatoli	per quintal	197		15	76
" from Cyprus, Syria, and Tripoli in the West.	" "	133	30	10	66
Maize	" kilo of Const'ple	7	20		57
Mastic, a resin	" barrel of 70 okes	3,500		280	
" " picked	" oke	98	50	7	88
" a description of arrack	" "	5	80		46
Mattresses of Cyprus, called Dushek and Shilteh.	each	13	30	1	6
Meerschaum, called Louleih Istifeh	" box	616	50	49	31
Millet	" kilo of Const'ple	4	50		36
Mohair yarn, or spun goat's hair of all sorts.	" oke	25	90	2	7
Muslin of Yeni Capou, called Bosma Hissa.	" piece of 20 squares	12	30		98
Muslin called Ustluk for handkerchiefs	" square	2			16
Myrrh, a gum resin	" oke	4	70		37
Nails for horse shoes	" "	19	70	1	57
" of Nicomedia	" "	5	30		42
Napkins of Hama, embroidered in gold and plain.	each	257	20	20	57
Narghileh pipes, called Marpoutch	" parcel	59	60	4	76
Needles of Mudurni	" oke	6	50		52
Nets for fishing	ad valorem				
Nuts—hazel nuts and filberts	per quintal	65	70	5	25
Oats	" kilo	4	10		32
Oil of Olives	" quintal	140		11	20
" Roses	" miskal	11	80		94
Oilcloth for lanterns	" piece	2			16
Olebanum, in dust and picked	ad valorem				
Opiate, imitation of Venetian called Theriack.	per oke	26	50	2	12
Opiate, inferior	" "	13	20	1	66
Opium, Egyptian	ad valorem				
" Harakissar Gheiveh Amassia and Angora, of all descriptions.	per oke	200		16	
Orpiment	" "	3	20		25
Otto of Roses	" miskal	11	80		94
Padlocks of Philippopoli	per parcel of 10	12	85	1	2
Parchment	" piece	3	30		26
Pattens, ornamented of Constantinople	" pair	2	70		21

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Net prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	cent.	Piastres.	cent.
eas	ad valorem				
opper, red	per oke	4			32
etmez, boiled grape juice	ad valorem				
illows of Biledjik	per pair	38	50	3	
" " " embroidered in gold	" "	209		16	7 2
istols of Prizren and Calkandelen		29	50	2	3 6
" " superfine	ad valorem				
omegranate sirrup	" "				
alse	" "				
uilt covers Castambol	per bale of 60 pieces	566	50	45	32
" " of Constantinople	each	6	60		52
" " Cyprus	"	10			80
" " printed calico, of Tokat	per piece	6	30		50
aisins of Aidin and Tireh, black	" quintal	45		3	60
" " Beglerghé	" "	70	70	5	65
" " Carabournow, without stones called Sultani.	" "	231	40	18	51
aisins of Carabournow and Seuyut, called Rezaki.	" "	193		15	44
aisins of Cos or Stankioy	" "	128	50	10	28
" " Mandalia and Samos	" "	64	30	5	14
" " V'Oúrla and Chermeh, called yerli without stones.	" "	186	40	14	91
aisins of V'Oúrla and Aidin, Mentesha Caraoghlan and Tireh (resaki).	" "	160	70	12	85
ice of Egypt, Philippopoli and Trebi-zond.	ad valorem				
ugs of metal of Constantinople	per 1,000	66	20	5	29
ose water	" oke	2			16
osin, yellow	" quintal	32	20	2	57
" white	" "	57	80	4	62
igs of Ghodous, Ghiordes, Izladi, Koula, and other places.	ad valorem				
ge	per kilo	6	30		50
ddle frames of wood	each	4			32
ffloower of Anatoli	"	10	50		84
" Egypt	ad valorem				
ffron of Anatoli and Roumeli	" "				
ammoniac of Egypt	" "				
ep of Anatoli	per oke	19	30	1	54
" Roumeli	" "	12	90	1	3
ltpetre and Nitro	ad valorem				
nderack	" "				
sh of Bamri	each	77	20	6	17
" Caragialar white and coloured	"	10	50		84
" Hama	"	15	40	1	23
" Homs	"	39	40	3	15
called Sherbal of cotton	"	28	90	2	31
" " silk	"	97	80	7	82
" Tallah	ad valorem				
of Tripoli of silk	per oke	262	80	21	2
" Tunis	each	46	70	3	73
sages	ad valorem				
" of walnut	" "				
ammony	per oke	138		11	4
ssors of Gabrova	" 2 boxes of 120 okes	473		37	84
na of Mekha	ad valorem				
samum	per oke	1	50		12
alli of Angora and Soff, wide and nar-ow.	" piece of 32 pikes	424		33	92
alli of Constantinople	" " " 27 "	178	70	14	29
" " Tossia	ad valorem				
awl of Caragialar	each	13		1	4
" coloured of Tunis	"	32	60	2	60
" " " for drawers	"	52	20	4	17
awl of Tunis called Helati	each	97	80	7	82
" " white	"	26	10	2	8
ets, coloured, of Magnesia	per piece	5	80		46
rts, of cotton " Constantinople	each	9	90		79
" " gauze (Meles) of Broussa	"	26	30	2	10
" " " Constantinople	"	29	80	2	38
of Konia inferior	"	6	50		52
es called Yemeni of Bartin	per pair	14	70	1	17
" Khafaf native (inner shoes)	" "	7	90		63
" " worked	ad valorem				
k braid of Volo	per oke	262	80	21	2
Cocoons of Amassia	ad valorem				
" of the whole Empire except massia.	per oke	74	50	5	96

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Net prices less 10 %.		Rate of Duty, 8 %.	
		Piastres.	cent.	Piastres.	cent.
Silk Cocoons with holes and double ones.	ad valorem				
" " called Doubions and Frisons.	" "				
Silk Cocoons called Eghirmeh made of silk husks.	per oke	78	90	6	31
Silk Knubs or Husks	ad valorem				
" spun by European machinery in the whole Empire.	per oke	217	24	17	38
Silk spun mandgiliks	" "	155		12	40
" " of Cyprus, Aidin, Menteshé Scio Candia Sighala Aleppo, Beyrout Sidon & Damascus.	" "	108	50	8	68
Silk Stuff called Hakir Ibrahimiah & Kitabi of the Lebanon.	" piece of 9 to 10 pikes	41	20	3	29
Silk Stuff of Constantinople called Ibrahimiah.	" " "	57	90	4	63
Silk Stuff of Aleppo called Sivai superfine.	" "	295	60	23	64
Silk Stuff of Aleppo called Sivai inferior	" "	65	70	5	25
" " " " middling.	" "	197	10	15	76
Silk stuff watered, called Ghezi of Sparta and Broussa.	pr piece	118	30	9	46
Silk and cotton stuff, of Damascus, called Aladje Kitabi and Chitari.	" "	70	70	5	65
Silk and cotton stuff, of Constantinople called Bindalli.	" "	99	30	7	94
Silk and cotton stuff, of Constantinople called Chitari Coutouni & Hakir.	" "	66	20	5	29
Silk and cotton stuff, of Aleppo called Coutouni.	" "	53	30	4	26
Silk and cotton stuff, of Brousa called Coutouni.	" "	83	20	6	65
Silk and cotton stuff, of Damascus	" "	66	70	5	33
" " Constantinople called Damghané.	" "	52	90	4	23
Silk and cotton stuff, of Constantinople called Gulmez.	" "	82	70	6	61
Silk and cotton stuff, of Broussa called Hakir.	" "	65	70	5	25
Silk and thread gauze of Broussa called Meles.	" piece of 12 pikes	72	30	5	78
Silk and thread gauze of Constantinople called Meles.	" piece	66	20	5	29
Silk thread coloured	" oke	246	60	19	72
" " of Constantinople called Kazazih.	" "	308	20	24	65
Silk worm seed of all sorts	" "	450		36	
Silver thread of Constantinople	ad valorem				
Skins bare of Anatoli	per 100	157	30	12	58
" " Roumelia	" "	94	40	7	55
" lamb and kid	each	3	10		24
" sheep of Angora, white & coloured.	ad valorem				
" " and goats	each	6	30		50
Smoked meat, smoked and dried	ad valorem				
Soap	per quintal	136	50	10	92
Soapwort	" oke	1	90		15
Soks of Volo	" "	88	10	7	4
Soks of Volo coloured	ad valorem				
" called Terlik large, of aba	per parcel of 10	26	70	2	13
" " " small	" "	13	30	1	6
" " " ordinary	" pair	4			32
Sopha, assortment of Cyprus (2 covers and 12 cushions).	ad valorem				
Sopha, assortment of Cyprus called Tasla and Yastik.	each	13	30	1	6
Sopha, covers and cushions, red, called Thram and Yastik.	per oke	39	40	3	15
Sopha, covers and cushions, of Roumeli white and coloured.	" "	22	50	1	30
Sponges	ad valorem				
Spoons of Boxwood, black and wide	per oke	4	90		39
" common wood of all sorts	" "	2	60		26
" " coral and mother of pearl	" "	9	80		78
" dyed called Boyama of wood	" "	6	60		52
Staves	ad valorem				
Stirrups of iron	per pair	9	90		79
Stockings of Adrianople and Zagora	" oke	37	80	3	2
" Drama and Salonica	" "	62	90	5	3

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Net prices less 10 %. Piastres.	cent.	Rate of duty less 8 %. Piastres.	cent.
tockings of Philippopoli and Bajardjik	per oke	94	40	7	55
" of Volo	" "	88	10	7	4
" " and coloured	ad valorem				
" of Yourouk ordinary	per oke	18	90	1	51
weet meats, jelly and jam	" "	6	60		52
able covers of Cyprus	per piece	10			80
" Hama plain and embroidered in gold.	each	357	20	22	57
allow	ad valorem				
imber of wood	per oke	26	30	2	10
" " cork	" "	6	50		52
imber of all sorts	ad valorem				
ongues dried and salted	" "				
owels, of Broussa, called Sledjik and Havlon large & small.	per oke	33	90	2	71
owels, of Broussa, called Barma Sledjik.	" pair	9	90		79
owels, of Constantinople called Barma Sledjik.	each	6	60		52
owels, of Carafer-a called Havlon	per oke	39	40	3	15
" " Cyprus called Sledjik	each	13	30	1	6
" called Akbask Peshtimal & Havlon.	" pair	10	60		84
owels, of Gheive called Havlou	" oke	24	60	1	96
" embroidered in tinsel	each	6	60		52
ragaganth of Bagdad inferior	per oke	3	40		27
" Busserah	" "	1	40		11
" middling	" "	9	10		72
" superfine called Yaprak (leaf).	" "	23		1	84
ragaganth inferior called Mahlout	each	6	50		52
rowsers of Constantinople, called Karavana dizlik (blue).	"	26	50	2	12
rowsers with gaiters called Potowo of aba of goat's wool.	each	46	70	3	73
rowsers embroidered for horseman	"	86	70	6	93
" ordinary and gaiters	"	40		3	20
urban piece, embroidered of Bagdad called Abanee.	"	64	30	5	14
urban piece, embroidered of Constantinople called Abanee.	"	9	90		79
urban piece, plain of Constantinople called Destar.	"	9	90		79
wine	per oke	9	90		79
alonia of Aidin Ushak, Ghuedous and others places delivered at Smyrna.	per quintal	45		3	60
alonia of Aivadgih Ezineh Mitylene Kemer and Dardenelles.	" "	51	40	4	11
olet earth called Mor Toprak	" oke	4	70		37
alnuts	" kilo of 100 okes	163		13	4
" Saussage	ad valorem				
ax of Bees	per oke	18	40	1	47
eights of Brass	" "	19	80	1	58
" " Copper	" "	16	50	1	32
heat per kilo of Constantinople	" "	15	30	1	22
ine of the whole Ottoman Empire, including common Cyprus.	" "	1	80		74
ine of Cyprus called Commandaria	ad valorem				
ool (sheeps) of Anatolia Roumelia & Const'ple unwashed & in lime.	per quintal	192		15	36
ool (sheeps) of Anatolia Roumelia washed.	" "	234		18	72
ool Syria Tripoli in the west, Bagdad &c unwashed in lime.	" "	134	50	10	76
ool Syria Tripoli Begdad washed	" "	164		13	12
ool Goat's, of Angora Konia, Castambol, Gheredeh and Beybazari.	" oke	20	50	1	64
ool Goat's, of Van	" "	10			80
oolen braid of Constantinople	" "	49	60	3	96
" cloth called abà for military cloaks from Balikesri Bazardgik and Philippopoli.	per piece of 11 pikes	22		1	76
oolen braid called Abà coloured, of Philippopoli, also called Sivri, Kaya and Kourdon Yaouz.	Per piece of 17 to 19 pikes.	43	30	3	46
oolen called Aba of Goat's wool of Islimia.	" " " 11 "	53	30	4	26
oolen cloth called Aba of Salonica white & black.	" " " 12 "	30		2	40

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Net prices less 10%.		Rate of Duty 8 %.	
		Piastres.	cent.	Piastres.	cent.
Woolen cloth called Aba black of Islimia	per piece of 9 pikes	36	70	2	93
Woollen cloth for leggings called caltchinlik abà of Islimina.	per piece of 3 pikes	23	30	1	86
Woollen cloth called Kebè or Cappa, ordinary, of Zagora for great coats.	" oke	9	90		79
Woollen cloth called Kebè or Cappa, superfine of Zagora for great coats.	" "	26	30	2	10
Woollen cloth called Shayak	" pike	3	30		26
Zarfs of metal of Constantinople	" parcel of 10	19	80	1	58

(Signed) ARISTIDES AZARIAN,
Commissioner.

(") JOHN P. BROWN,
Commissioner Ex Officio.

Conclusion.

According to the stipulations of the new Treaty of Commerce all merchandise imported into the Ottoman Empire, excepting such as are prohibited, by merchants of the United States of America, as well as all those exported by them from the country will pay a custom house duty of eight per cent. As, by the new treaty, the duties of the customs are to be assessed on the value of the merchandise at the wharf, the valuations established as a principle, on the wholesale prices of the goods, counting the Yuzluk, or gold Majidieh, at one hundred piastres, they have undergone a diminuation of 10 per cent. so as to reduce them, according to their value at the wharf.

The duties, therefore, of the present tariff, are fixed on the nett value of the merchandise and will be collected as herein stated.

The duty of 8 per cent on exports is only applicable to the first year of the present tariff. They will be reduced $\frac{1}{8}$ for the second—that is, to 7 per cent—$\frac{1}{7}$ for the third—that is to 6 per cent., and so on so that each year they will be diminished one per cent. until the eighth year. At the commencement of the 8th and the following years, the duties will only amount to one per cent, collected as stipulated in said treaty, only for the purpose of covering the expenses of the customs. All articles of export, not designated in the presnt tariff, or which being therein designated, are left to pay duties *ad valorem* will first be reduced as aforestated, ten per cent. on their current value, and then pay the proper duties on the remaining value—this, however, to be subject to the same annual diminuation of one per cent, as all those articles which have been properly tariffed.

The products of the United States of America imported into the Ottoman Empire, will always continue to pay a duty of eight per cent. Those which have not been designated in the tariff or are left to their *ad valorem* will pay in the same manner 8 per cent after the aforesaid reduction of 10 per cent of their value.

The payment of the import and export duties will be effected in immediate cash payments: that is, the Yuzluk, or gold Majidieh at one hundred piastres and its subdivisions in gold and silver of pure alloy in due proportion. Five silver Majidiehs to make one gold Majidieh of 100 piastres; and the foreign coins to be at the value which may be fixed for them at the imperial mint.

At the capital merchants are free to pay their duties in the paper currency *Kaimehs* at the highest rate of the Borsa (Exchange) in place of the gold Majidieh of 100 piastres. A bulletin will be procured daily for this purpose, indicating how many piastres of the paper currency will represent a gold Majidieh, and will serve for the day following. It will be suspended in a conspicuous place in the custom house, and the *Kaimeh* currency will be received in payment of duties at the highest rate stated in said bulletin.

Payments in *Kaimehs* calculated on the basis of the gold Majidieh of 100 piastres in the place of money of pure alloy, are, however, restricted entirely to the capital for the present; and if, at a later period, the circulation of this currency be extended to the provinces of the Empire, it will also be received there in payment of the custom house duties in the same manner as has been explained with reference to the capital, that is to say—on the calculation of the number of paper piastres required to make one gold Majidieh of one hundred piastres. In the mean time and in advance of the case, it being impracticable to establish on an uncertain basis, the manner of

effecting the payment there in *Kaimehs* it is left for the present, undetermined; so that in case of future need an arrangement may be made between the Sublime Porte and the Legation of the U. S. of America, according to the existing circumstances. Until then, the custom house duties in the provinces will be collected as aforesaid,—viz the Yuzluk, a gold Majidieh for 100 piastres, and its sub divisions in gold and silver of pure alloy in the same proportion, 5 silver Majidiehs to the gold Majidieh of 100 piastres, and all foreign coins at the rates fixed, on this basis by the imperial mint.

In the event of the custom house authorities and the merchants of the United States, not being able to come to an understanding on the value of the merchandize not designated in the tariff, or left *ad valorem* and a dispute arise between them the duties will according to ancient usage, be paid in kind.

The present tariff will remain in force at the custom house of the capital from the 1st March 1278, or March 13, 1862 *à la franka* to the 1 March 1285 or March 13, 1869. One year previous to the expiration of this term, viz: during the last year, each of the parties will have the right, in consequence of the differences which may probably occur in the value of merchandize to claim a revision of the tariff. But, if this term of one year pass by without any such claim having been put forward by either of them, the tariff will continue to hold good for another period of seven years.

The present tariff has thus been drawn up to this tenor and purpose, by the Commissioners of the U. S. of America and the Sublime Porte and received the sanction of His Imperial Majesty.

Chaban 29—1278.

[L. S.] (Signed by) MEHEMMED KIANY,
For the President of the Commission, H. S. Ismail Pacha, absent.

[L. S.] (Signed by) MEHEMMED KIANY,
For himself.

[L. S.] (Signed by) MEHEMMED KIAMIL.

[L. S.] (Signed by) ENVERY.

[L. S.] (Signed by) EDHEM.

ARISTIDES AZARIAN,
Commissioner, U. S. A.

JOHN P. BROWN, Sec. and Int. (ex officio),
U. S. Legation.

A correct translation.

JOHN P. BROWN.

Approved.

E. JOY MORRIS,
Minister Resident of U. S.

1874.

CONVENTION FOR EXTRADITION OF CRIMINALS, FUGITIVES FROM JUSTICE.

Concluded August 11, 1874; *ratifications exchanged at Constantinople April* 22, 1875; *proclaimed May* 26, 1875.

The United States of America and His Imperial Majesty the Sultan, having judged it expedient, with a view to the better administration of justice and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States George H. Boker, Minister Resident of the United States of America near the Sublime Porte; and His Imperial Majesty the Sultan, His Excellency A. Aarifi Pasha, his Minister for Foreign Affairs; who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit: Negotiators.

ART. I.

Extradition of criminals.

The Government of the United States and the Ottoman Government mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ART. II.

Persons shall be delivered up who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes:

Crimes.

1st. Murder, comprehending the crimes designated by the terms of parricide, assassination, poisoning, and infanticide.

2d. The attempt to commit murder.

3d. The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

4th. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence, or putting him in fear.

5th. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or government acts.

6th. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank-notes, and obligations and in general of all things, being titles and instruments of credit, the counterfeiting of seals, dies, stamps, and marks of state and public administrations and the utterance thereof.

7th. The embezzlement of public moneys committed within the jurisdiction of either party, by public officers or depositors.

8th. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ART. III.

Persons cannot be extradited for political offences and crimes committed prior to the extradition crime.

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

ART. IV.

Offences in country of asylum.

If the person whose surrender may be claimed, pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ART. V.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or in the event of the absence of these from the country, or its seat of government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the minister or consul of the United States or of the Sublime Porte, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or* of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States or the proper executive authority in Turkey may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

Requisitions for extradition; modes of procedure.

ART. VI.

The expenses of the arrest, detention, and transportation of the persons claimed shall be paid by the government in whose name the requisition has been made.

Expenses.

ART. VII.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty.

Neither nation to deliver its citizens.

ART. VIII.

This convention shall continue in force during five (5) years from the day of exchange of ratification, but if neither party shall have given to the other six (6) months' previous notice of its intention to terminate the same, the convention shall remain in force five years longer, and so on.

Duration of convention.

The present convention shall be ratified, and the ratifications exchanged at Constantinople, within twelve (12) months, and sooner, if possible.

Ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at Constantinople the eleventh day of August one thousand eight hundred and seventy-four.

[SEAL.] GEO. H. BOKER.
[SEAL.] A. AARIFI.

* In the French text the word *et* (and) follows the word *commis* (committed).

1874.

PROTOCOL* RESPECTING THE RIGHT OF FOREIGNERS TO HOLD REAL ESTATE IN THE OTTOMAN EMPIRE.

Concluded August 11, 1874; *proclaimed October* 29, 1874.

The United States of America and His Majesty the Sultan being desirous to establish by a special act the agreement entered upon between them regarding the admission of American citizens to the right of holding real estate, granted to foreigners by the law promulgated on the 7th of Sepher, 1284, (January 18th, 1867) have authorized:

Negotiators.

The President of the United States of America George H. Boker, Minister Resident of the United States of America near the Sublime Porte, and His Imperial Majesty the Sultan His Excellency A. Aarifi Pasha, His Minister of Foreign Affairs, to sign the Protocol which follows:

PROTOCOL.

The law granting foreigners the right of holding real-estate does not interfere with the immunities specified by the treaties, and which will continue to protect the person and the movable property of foreigners who may become owners of real estate.

As the exercise of this right of possessing real property may induce foreigners to establish themselves in larger numbers in the Ottoman Empire, the Imperial government thinks it proper to anticipate and to prevent the difficulties to which the application of this law may give rise in certain localities. Such is the object of the arrangements which follow.

The domicile of any person residing upon the Ottoman soil being inviolable, and as no one can enter it without the consent of the owner, except by virtue of orders emanating from competent authority and with the assistance of the magistrate or functionary invested with the necessary powers, the residence of foreigners is inviolable on the same principle, in conformity with the treaties, and the agents of the public force cannot enter it without the assistance of the consul or of the delegate of the consul of the Power on which the foreigner depends.

By residence we understand the house of inhabitation and its dependencies: that is to say, the out-houses, courts, gardens, and neighboring enclosures, to the exclusion of all other parts of the property.

In the localities distant by less than nine hours journey from the consular residence, the agents of the public force cannot enter the residence of a foreigner without the assistance of a consul, as was before said.

On his part the consul is bound to give his immediate assistance to the local authority, so as not to let six hours elapse between the moment which he may be informed and the moment of his departure, or the departure of his delegate, so that the action of the authorities may never be suspended more than twenty-four hours.

In the localities distant by nine hours or more than nine hours of travel from the residence of the consular agent, the agents of the public force may on the request of the local authority and with the assistance of three members of the Council of the Elders of the Commune, enter into the residence of a foreigner, without being assisted by the consular agent, but only in case of urgency, and for the search and the proof of

*Translation. The original proctocol is in the French language.

the crime of murder, of attempt at murder; of incendiarism, of armed robbery either with infraction or by night in an inhabited house, of armed rebellion and of the fabrication of counterfeit money, and this entry may be made whether the crime was committed by a foreigner or by an Ottoman subject, and whether it took place in the residence of a foreigner or not in his residence, or in any other place.

These regulations are not applicable but to the parts of the real estate which constitute the residence, as it has been heretofore defined.

Beyond the residence, the action of the police shall be exercised freely and without reserve; but in case a person charged with crime or offence, should be arrested, and the accused shall be a foreigner, the immunities attached to his person shall be observed in respect to him.

The functionary or the officer charged with the accomplishment of a domiciliary visit, in the exceptional circumstances determined before, and the members of the Council of Elders who shall assist him, will be obliged to make out a *procès-verbal* of the domiciliary visit, and to communicate it immediately to the superior authority under whose jurisdiction they are, and the latter shall transmit it to the nearest consular agent without delay.

A special regulation will be promulgated by the Sublime Porte, to determine the mode of action of the local police in the several cases provided heretofore.

In localities more distant than nine hours' travel from the residence of the consular agent, in which the law of the judicial organization of the Velayet may be in force, foreigners shall be tried, without the assistance of the consular delegate by the Council of Elders fulfilling the functions of justices of the peace, and by the tribunal of the canton, as well for actions not exceeding one thousand piastres as for offences entailing a fine of five hundred piastres only at the maximum.

Foreigners shall have, in any case, the right of appeal to the tribunal of the arrondissement against the judgments issued as above stated, and the appeal shall be followed and judged with the assistance of the consul, in conformity with the treaties.

The appeal shall always suspend the execution of a sentence.

In all cases the forcible execution of the judgments, issued on the conditions determined heretofore shall not take place without the coöperation of the consul or of his delegate.

The Imperial government will enact a law which shall determine the rules of procedure to be observed by the parties, in the application of the preceding regulations.

Foreigners, in whatever locality they may be, may freely submit themselves to the jurisdiction of the Council of Elders or of the tribunal of the canton without the assistance of the consul in cases which do not exceed the competency of these councils or tribunals, reserving always the right of appeal before the tribunal of the arrondissement, where the case may be brought and tried with the assistance of the consul or his delegate.

The consent of a foreigner to be tried as above stated, without the assistance of his consul, shall always be given in writing and in advance of all procedure.

It is well understood that all these restrictions do not concern cases which have for their object questions of real estate, which shall be tried and determined under the conditions established by the law.

The right of defence and the publicity of the hearings shall be assured in all cases to foreigners who may appear before the Ottoman tribunals, as well as to Ottoman subjects.

The preceding dispositions shall remain in force until the revision of the ancient treaties, a revision which the Sublime Porte reserves to itself the right to bring about hereafter by an understanding between it and the friendly Powers.

In witness whereof the respective plenipotentiaries have signed the Protocol and have affixed thereto their seals.

Done at Constantinople the eleventh of August, one thousand eight hundred and seventy-four.

[SEAL.] GEO. H. BOKER.
[SEAL.] A. AARIFI.

[Translation from the French.]

Law conceding to foreigners the right of holding real estate in the Ottoman Empire.

Imperial rescript.—Let it be done in conformity with the contents. 7 Sepher, 1284. (January 18, 1867.)

With the object of developing the prosperity of the country, to put an end to the difficulties, to the abuses and to the uncertainties which have arisen on the subject of the right of foreigners to hold property in the Ottoman Empire, and to complete, in accordance with a precise regulation, the safeguards which are due to financial interests and to administrative action, the following legislative enactments have been promulgated by the order of His Imperial Majesty, the Sultan.

ART. I.

Foreigners are admitted, by the same privilege as Ottoman subjects, and without any other restriction, to enjoy the right of holding real estate whether in the city or the country, throughout the empire, with the exception of the province of the Hédjaz, by submitting themselves to the laws and the regulations which govern Ottoman subjects, as is hereafter stated.

This arrangement does not concern subjects of Ottoman birth who have changed their nationality, who shall be governed in this matter by a special law.

ART. II.

Foreigners, proprietors of real estate in town or in country, are in consequence placed upon terms of equality with Ottoman subjects in all things that concern their landed property.

The legal effect of this equality is—

1st. To oblige them to conform to all the laws and regulations of the police or of the municipality which govern at present or may govern hereafter the enjoyment, the transmission, the alienation and the hypothecation of landed property.

2d. To pay all charges and taxes under whatever form or denomination they may be, that are levied, or may be levied hereafter, upon city or country property.

3d. To render them directly amenable to the Ottoman civil tribunals in all questions relating to landed property, and in all real actions, whether as plaintiffs or as defendants, even when either party is a foreigner. In short, they are in all things to hold real estate by the same title, on the same condition and under the same forms as Ottoman owners, and without being able to avail themselves of their personal

nationality, except under the reserve of the immunities attached to their persons and their movable goods, according to the treaties.

ART. III.

In case of the bankruptcy of a foreigner possessing real estate, the assignees of the bankrupt may apply to the authorities and to the Ottoman civil tribunals requiring the sale of the real estate possessed by the bankrupt, and which by its nature and according to law is responsible for the debts of the owner.

The same course shall be followed when a foreigner shall have obtained against another foreigner owning real estate a judgment of condemnation before a foreign tribunal.

For the execution of this judgment against the real estate of his debtor, he shall apply to the competent Ottoman authorities, in order to obtain the sale of that real estate which is responsible for the debts of the owner; and this judgment shall be executed by the Ottoman authorities and tribunals only after they have decided that the real estate of which the sale is required really belongs to the category of that property which may be sold for the payment of debt.

ART. IV.

Foreigners have the privilege to dispose, by donation or by testament, of that real estate of which such disposition is permitted by law.

As to that real estate of which they may not have disposed, or of which the law does not permit them to dispose by gift or testament, its succession shall be governed in accordance with Ottoman law.

ART. V.

All foreigners shall enjoy the privileges of the present law, as soon as the Powers on which they depend shall agree to the arrangements proposed by the Sublime Porte for the exercise of the right to hold real estate.

PARAGUAY.

1859.

CONVENTION FOR THE SETTLEMENT OF CLAIMS OF THE "UNITED STATES AND PARAGUAY NAVIGATION COMPANY."

Concluded February 4, 1859; *ratifications exchanged at Washington, March* 7, 1860; *proclaimed March* 12, 1860.

His Excellency the President of the United States of America, and His Excellency the President of the Republic of Paraguay, desiring to remove every cause that might interfere with the good understanding and harmony, for a time so unhappily interrupted, between the two nations, and now so happily restored, and which it is so much for their interest to maintain; and desiring for this purpose to come to a definite understanding, equally just and honorable to both nations, as to the mode of settling a pending question of the said claims of the "United States and Paraguay Navigation Company"—a company composed of citizens of the United States—against the Government of Paraguay, have agreed to refer the same to a special and respectable commission, to be organized and regulated by the convention hereby established between the two high contracting parties; and for this purpose they have appointed and conferred full powers, respectively, to wit:

Negotiators.

His Excellency the President of the United States of America upon James B. Bowlin, a Special Commissioner of the said United States of America, specifically charged and empowered for this purpose; and His Excellency the President of the Republic of Paraguay upon Señor Nicholas Vasquez, Secretary of State and Minister of Foreign Affairs of the said Republic of Paraguay;

Who, after exchanging their full powers, which were found in good and proper form, agreed upon the following articles:

ARTICLE I.

Decree of Commissioners in favor of United States and Paraguay Navig. Co.

The Government of the Republic of Paraguay binds itself for the responsibility in favor of the "United States and Paraguay Navigation Company," which may result from the decree of commissioners, who, it is agreed, shall be appointed as follows:

ARTICLE II.

Commissioners.

The two high contracting parties, appreciating the difficulty of agreeing upon the amount of the reclamations to which the said company may be entitled, and being convinced that a commission is the only equitable and honorable method by which the two countries can arrive at a perfect understanding thereof, hereby cove-

nant to adjust them accordingly by a loyal commission. To determine the amount of said reclamations, it is, therefore, agreed to constitute such a commission, whose decision shall be binding, in the following manner:

The Government of the United States of America shall appoint one Commissioner, and the Government of Paraguay shall appoint another; and these two, in case of disagreement, shall appoint a third, said appointment to devolve upon a person of loyalty and impartiality, with the condition that in case of difference between the Commissioners in the choice of an Umpire, the diplomatic representatives of Russia and Prussia, accredited to the Government of the United States of America, at the city of Washington, may select such Umpire. Umpire.

The two Commissioners named in the said manner shall meet in the city of Washington, to investigate, adjust, and determine the amount of the claims of the above-mentioned company, upon sufficient proofs of the charges and defences of the contending parties.

Article III.

The said Commissioners, before entering upon their duties, shall take an oath before some judge of the United States of America that they will fairly and impartially investigate the said claims, and a just decision thereupon render, to the best of their judgment and ability. Oath.

Article IV.

The said Commissioners shall assemble, within one year after the ratification of the "treaty of friendship, commerce, and navigation" this day celebrated at the city of Assumption between the two high contracting parties, at the city of Washington, in the United States of America, and shall continue in session for a period not exceeding three months, within which, if they come to an agreement, their decision shall be proclaimed; and in case of disagreement, they shall proceed to the appointment of an Umpire as already agreed. When to meet and how long to continue in session.

Article V.

The Government of Paraguay hereby binds itself to pay to the Government of the United States of America, in the city of Assumption, Paraguay, thirty days after presentation to the Government of the Republic, the draft which that of the United States of America shall issue for the amount for which the two Commissioners concurring, or by the Umpire, shall declare it responsible to the said company. Paraguay to pay any award of Commissioners in favor of said company.

Article VI.

Each of the high contracting parties shall compensate the Commissioner it may appoint the sum of money he may stipulate for his services, either by instalments or at the expiration of his task. In case of the appointment of an Umpire, the amount of his remuneration shall be equally borne by both contracting parties. Compensation of Commissioner and Umpire.

ARTICLE VII.

Ratifications.

The present convention shall be ratified within fifteen months, or earlier if possible, by the Government of the United States of America, and by the President of the Republic of Paraguay within twelve days from this date. The exchange of ratifications shall take place in the city of Washington.

In faith of which, and in virtue of our full powers, we have signed the present convention in English and Spanish, and have thereunto set our respective seals.

Done at Assumption, this fourth day of February, in the year of our Lord one thousand eight hundred and fifty-nine, being the eighty-third year of the Independence of the United States of America, and the forty-seventh of that of Paraguay.

[SEAL.] JAMES B. BOWLIN.
[SEAL.] NICOLAS VASQUEZ.

1859.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

Concluded February 4, 1859; *ratifications exchanged at Washington, March* 7, 1860; *proclaimed March* 12, 1860.

In the name of the Most Holy Trinity.

The Governments of the two Republics, the United States of America and of Paraguay, in South America, being mutually disposed to cherish more intimate relations and intercourse than those which have heretofore subsisted between them, and believing it to be of mutual advantage to adjust the conditions of such relations by signing a "treaty of friendship, commerce, and navigation," for that object have nominated their respective Plenipotentiaries, that is to say:

Negotiators.

His Excellency the President of the United States of America has nominated James B. Bowlin, a Special Commissioner of the United States of America at Assumption, and His Excellency the President of the Republic of Paraguay has nominated the Paraguayan citizen, Nicolas Vasquez, Secretary of State and Minister of Foreign Relations of the Republic of Paraguay;

Who, after having communicated competent authorities, have agreed upon and concluded the following articles:

ARTICLE I.

Declaration of amity.

There shall be perfect peace and sincere friendship between the Government of the United States of America and the Government of the Republic of Paraguay, and between the citizens of both States, and without exception of persons or places. The high contracting parties shall use their best endeavors that this friendship and good understanding may be constantly and perpetually maintained.

ARTICLE II.

Free navigation of the Paraguay.

The Republic of Paraguay, in the exercise of the sovereign right which dertains to her, concedes to the merchant flag of the citizens of the United States of America the free navigation of the

river Paraguay as far as the dominions of the Empire of Brazil, and of the right side of the Paraná throughout all its course belonging to the Republic, subject to police and fiscal regulations of the Supreme Government of the Republic, in conformity with its concessions to the commerce of friendly nations. They shall be at liberty with their ships and cargoes, freely and securely to come to and to leave all the places and ports which are already mentioned; to remain and reside in any part of the said territories; hire houses and warehouses, and trade in all kinds of produce, manufactures, and merchandise of lawful commerce, subject to the usages and established customs of the country. They may discharge the whole or a part of their cargoes at the ports of Pilar, and where commerce with other nations may be permitted, or proceed with the whole or part of their cargo to the port of Assumption, according as the captain, owner, or other duly authorized person shall deem expedient.

Privileges to citizens of the United States.

In the same manner shall be treated and considered such Paraguayan citizens as may arrive at the ports of the United States of America with cargoes in Paraguayan vessels, or vessels of the United States of America.

To citizens of Paraguay.

ARTICLE III.

The two high contracting parties hereby agree that any favor, privilege, or immunity whatever, in matters of commerce or navigation, which either contracting party has actually granted, or may hereafter grant, to the citizens or subjects of any other State, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party, gratuitously, if the concession in favor of that other State shall have been gratuitous, or in return for an equivalent compensation, if the concession shall have been conditional.

Most favored nation.

ARTICLE IV.

No other or higher duties shall be imposed on the importation or exportation of any article of the growth, produce, or manufacture of the two contracting States than are or shall be payable on the like article being the growth, produce, or manufacture of any other foreign country. No prohibition shall be imposed upon the importation or exportation of any article of the growth, produce, or manufacture of the territories of either of the two contracting parties into the territories of the other, which shall not equally extend to the importation or exportation of similar articles to the territories of any other nation.

No discrimination duties on account of nationality of imports.

ARTICLE V.

No other or higher duties or charges on account of tonnage, light, or harbor dues, pilotage, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any of the ports of the territories of the Republic of Paraguay on vessels of the United States of America than those payable in the same ports by Paraguayan vessels, nor in the ports of the territories of the United States of America on Paraguayan vessels, than shall be payable in the same ports by vessels of the United States of America.

No discrimination in duties on vessels.

Article VI.

No discrimination in duties on account of nationality of vessels carrying imports or exports.

The same duties shall be paid upon the importation and exportation of any article which is or may be legally importable or exportable into the dominions of the United States of America and into those of Paraguay, whether such importation or exportation be made in vessels of the United States of America or in Paraguayan vessels.

Article VII.

Proofs of nationality of vessels.

All vessels which, according to the laws of the United States of America, are to be deemed vessels of the United States of America, and all vessels which, according to the laws of Paraguay, are to be deemed Paraguayan vessels, shall, for the purposes of this treaty, be deemed vessels of the United States of America and Paraguayan vessels, respectively.

Article VIII.

No discrimination in import and export duties.

Citizens of the United States of America shall pay, in the territories of the Republic of Paraguay, the same import and export duties which are established or may be established hereafter for Paraguayan citizens. In the same manner the latter shall pay, in the United States of America, the duties which are established or may hereafter be established for citizens of the United States of America.

Article IX.

Privileges of citizens of one nation in the territory of the other in business affairs.

All merchants, commanders of ships, and others, the citizens of each country, respectively, shall have full liberty, in all the territories of the other, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as agent, broker, factor, or interpreter; and they shall not be obliged to employ any other persons than those employed by natives, nor to pay to such persons as they shall think fit to employ any higher salary or remuneration than such as is paid in like cases by natives.

The citizens of the United States of America in the territories of Paraguay, and the citizens of Paraguay in the United States of America, shall enjoy the same full liberty which is now or may hereafter be enjoyed by natives of each country, respectively, to buy from and sell to whom they like all articles of lawful commerce, and to fix the prices thereof as they shall see good, without being affected by any monopoly, contract, or exclusive privilege of sale or purchase, subject, however, to the general ordinary contributions or imposts established by law.

The citizens of either of the two contracting parties in the territories of the other shall enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice for the prosecution and defence of their just rights; they shall enjoy, in this respect, the same rights and privileges as native citizens; and they shall be at liberty to employ, in all causes, the advocates, attorneys, or agents, of whatever description, whom they may think proper.

ARTICLE X.

In whatever relates to the police of the ports, the lading or unlading of ships, the warehousing and safety of merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination by sale, donation, exchange, or testament, or in any other manner whatsoever, as also with regard to the administration of justice, the citizens of each contracting party shall enjoy, in the territories of the other, the same privileges, liberties, and rights as native citizens, and shall not be charged, in any of these respects, with any other or higher imposts or duties than those which are or may be paid by native citizens, subject always to the local laws and regulations of such territories.

Rights of citizens of one nation in the territory of the other.

In the event of any citizen of either of the two contracting parties dying without will or testament in the territory of the other contracting party, the Consul-General, Consul, or Vice-Consul, of the nation to which the deceased may belong, or, in his absence, the representative of such Consul-General, Consul, or Vice-Consul, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said Consul-General, Consul, or Vice-Consul, or his representative.

Case of the death of a citizen of one country in the territory of the other.

ARTICLE XI.

The citizens of the United States of America residing in the territories of the Republic of Paraguay, and the citizens of the Republic of Paraguay residing in the United States of America, shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans or military exactions or requisitions; and they shall not be compelled to pay any charges, requisition, or taxes other or higher than those that are or may be paid by native citizens.

Military service, forced loans, and taxes.

ARTICLE XII.

It shall be free for each of the two contracting parties to appoint Consuls for the protection of trade, to reside in the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the two contracting parties may except from the residence of Consuls such particular places as either of them may judge fit to be excepted.

Consuls.

The Diplomatic Agents and Consuls of the United States of America in the territories of the Republic of Paraguay, shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to the Diplomatic Agents and Consuls of any other nation whatever; and, in like manner, the Diplomatic Agents and Consuls of the Republic of Paraguay in the United States of America shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to agents of any other nation whatever.

Their privileges.

ARTICLE XIII.

Provisions in case of war.

For the better security of commerce between the citizens of the United States of America and the citizens of the Republic of Paraguay, it is agreed that if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two contracting parties, the citizens of either of the said contracting parties, who may be established in the territories of the other in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein without any manner of interruption, in full enjoyment of their liberty and property, as long as they behave peaceably and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native citizens. If, however, they prefer to leave the country, they shall be allowed the time they may require to liquidate their accounts and dispose of their property, and a safe conduct shall be given them to embark at the ports which they shall themselves select. Consequently, in the case referred to of a rupture, the public funds of the contracting States shall never be confiscated, sequestered, or detained.

ARTICLE XIV.

Protection to persons and property.

The citizens of either of the two contracting parties residing in the territories of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the Government in as full and ample a manner as native citizens.

Religious liberty.

In like manner the citizens of each contracting party shall enjoy, in the territories of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

Rights of burial and worship.

The citizens of the United States of America residing within the territories of the Republic of Paraguay shall be at liberty to exercise, in private and in their own dwellings, or within the dwellings or offices of the Consuls or Vice-Consuls of the United States of America, their religious rights, services, and worship, and to assemble therein for that purpose without hindrance or molestation.

ARTICLE XV.

Duration of treaty.

The present treaty shall be in force during ten years, counted from the day of the exchange of the ratifications; and, further, until the end of twelve months after the Government of the United States of America on the one part, or the Government of Paraguay on the other, shall have given notice of its intention to terminate the same.

The Paraguayan Government shall be at liberty to address to the Government of the United States of America, or to its representative in the Republic of Paraguay, the official declaration agreed upon in this article.

ARTICLE XVI.

The present treaty shall be ratified by His Excellency the President of the United States of America within the term of fifteen months, or earlier if possible, and by His Excellency the President of the Republic of Paraguay within twelve days from this date, and the ratifications shall be exchanged in Washington. Ratifications.

In witness whereof the respective Plenipotentiaries have signed it, and affixed thereto their seals.

Done at Assumption this fourth day of February, in the year of our Lord one thousand eight hundred and fifty-nine.

[SEAL.] JAMES B. BOWLIN.
[SEAL.] NICOLAS VASQUEZ.

PERSIA.

1856.

TREATY OF FRIENDSHIP AND COMMERCE.

Concluded December 13, 1856; *ratifications exchanged at Constantinople, June* 13, 1857; *proclaimed August* 18, 1857.

In the name of God, the clement and the merciful.

The President of the United States of North America, and His Majesty as exalted as the planet Saturn; the Sovereign to whom the sun serves as a standard; whose splendor and magnificence are equal to that of the skies; the Sublime Sovereign, the Monarch whose armies are as numerous as the stars; whose greatness calls to mind that of Jeinshid; whose magnificence equals that of Darius; the heir of the crown and throne of the Kayanians; the Sublime Emperor of all Persia; being both equally and sincerely desirous of establishing relations of friendship between the two Governments, which they wish to strengthen by a treaty of friendship and commerce reciprocally advantageous and useful to the citizens and subjects of the two high contracting parties, have for this purpose named for their Plenipotentiaries:

The President of the United States of North America, Carroll Spence, Minister Resident of the United States near the Sublime Porte; and His Majesty the Emperor of all Persia, His Excellency Emin ul Molk Farrukh Khan, Ambassador of His Imperial Majesty the Shah, decorated with the portrait of the Shah, with the great cordon blue, and bearer of the girdle of diamonds, &c., &c., &c., &c.

Negotiators.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in proper and due form, have agreed upon the following articles:

ARTICLE I.

There shall be hereafter a sincere and constant good understanding between the Government and citizens of the United States of North America and the Persian Empire and all Persian subjects.

Declaration of amity.

ARTICLE II.

The Ambassadors or Diplomatic Agents whom it may please either of the two high contracting parties to send and maintain near the other shall be received and treated, they and all those composing their missions, as the Ambassadors and Diplomatic Agents of the most favored nations are received and treated in the two respective countries; and they shall enjoy there, in all respects, the same prerogatives and immunities.

Ambassadors.

ARTICLE III.

The citizens and subjects of the two high contracting parties—travellers, merchants, manufacturers, and others—who may reside in the territory of either country, shall be respected and efficiently protected by the authorities of the country and their agents, and treated in all respects as the subjects and citizens of the most favored nation are treated.

Protection to citizens of one country in the territory of the other.

They may reciprocally bring, by land or by sea, into either country, and export from it, all kinds of merchandise and products, and sell, exchange, or buy, and transport them to all places in the territories of either of the high contracting parties. It being, however, understood that the merchants of either nation who shall engage in the internal commerce of either country shall be governed, in respect to such commerce, by the laws of the country in which such commerce is carried on; and in case either of the high contracting Powers shall hereafter grant other privileges concerning such internal commerce to the citizens or subjects of other Governments, the same shall be equally granted to the merchants of either nation engaged in such internal commerce within the territories of the other.

Privileges of citizens in one nation in the territory of the other in business affairs.

ARTICLE IV.

The merchandise imported or exported by the respective citizens or subjects of the two high contracting parties shall not pay in either country, on their arrival or departure, other duties than those which are charged in either of the countries on the merchandise or products imported or exported by the merchants and subjects of the most favored nation, and no exceptional tax, under any name or pretext whatever, shall be collected on them in either of the two countries.

Duties.

ARTICLE V.

All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred at the place where a Consul or Agent of the United States may reside, and shall be discussed and decided according to equity, in the presence of an employé of the Consul or Agent of the United States.

Disputes.

All suits and disputes which may arise in the Empire of Persia between citizens of the United States shall be referred entirely for trial and for adjudication to the Consul or Agent of the United States residing in the province wherein such suits and disputes may have arisen, or in the province nearest to it, who shall decide them according to the laws of the United States.

All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign Powers, shall be tried and adjudicated by the intermediation of their respective Consuls or agents.

In the United States, Persian subjects, in all disputes arising between themselves, or between them and citizens of the United States or foreigners, shall be judged according to the rules adopted in the United States respecting the subjects of the most favored nation.

Persian subjects residing in the United States, and citizens of the United States, residing in Persia, shall, when charged with criminal offences, be tried and judged in Persia and the

Criminal offences.

United States in the same manner as are the subjects and citizens of the most favored nation residing in either of the above-mentioned countries.

ARTICLE VI.

Effects of persons dying.

In case of a citizen or subject of either of the contracting parties dying within the territories of the other, his effects shall be delivered up integrally to the family or partners in business of the deceased; and in case he has no relations or partners, his effects in either country shall be delivered up to the Consul or agent of the nation of which the deceased was a subject or citizen, so that he may dispose of them in accordance with the laws of his country.

ARTICLE VII.

Each Power may have a Diplomatic Agent and three Consuls.

For the protection of their citizens or subjects, and their commerce respectively, and in order to facilitate good and equitable relations between the citizens and subjects of the two countries, the two high contracting parties reserve the right to maintain a Diplomatic Agent at either seat of government, and to name each three Consuls in either country; those of the United States shall reside at Teheran, Bender-Bushir, and Tauris; those of Persia, at Washington, New York, and New Orleans.

Privileges of Consuls.

The Consuls of the high contracting parties shall reciprocally enjoy in the territories of the other, where their residences shall be established, the respect, priviledges, and immunities granted in either country to the Consuls of the most favored nation.

The Diplomatic Agent or Consuls of the United States shall not protect, secretly or publicly, the subjects of the Persian Government, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

And it is further understood, that if any of those Consuls shall engage in trade, they shall be subjected to the same laws and usages to which private individuals of their nation engaged in commercial pursuits in the same place are subjected.

And it is also understood by the high contracting parties, that the Diplomatic and Consular Agents of the United States shall not employ a greater number of domestics than is allowed by treaty to those of Russia residing in Persia.

ARTICLE VIII.

Duration of treaty.

And the high contracting parties agree that the present treaty of friendship and commerce, cemented by the sincere good feeling and confidence which exists between the Governments of the United States and Persia, shall be in force for the term of ten years from the exchange of its ratification; and if, before the expiration of the first ten years, neither of the high contracting parties shall have announced, by official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of twelve months, which will follow a similar notification, whatever the time may be at which it may take place; and the Plenipotentiaries of the two high contracting parties further agree to exchange the ratifications of their respective governments at Constantinople in the space of six months, or earlier if practicable.

Ratifications.

In faith of which the respective Plenipotentiaries of the two high contracting parties have signed the present treaty, and have attached their seals to it.

Done in duplicate in Persian and English, the thirteenth day of December, one thousand eight hundred and fifty-six, and of the Hijereh the fifteenth day of the moon of Rebiul Sany one thousand two hundred and seventy-three, at Constantinople.

[SEAL.] CARROLL SPENCE.

[SEAL.] EMIN UL MOLK FARRUKH KHAN.

PERU-BOLIVIA.

1836.*

CONVENTION OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION.

Concluded November 30, 1836; *ratifications exchanged at Lima May* 28, 1838; *proclaimed October* 3, 1838.

The United States of America and the Peru-Bolivian Confederation, desiring to make firm and permanent the peace and friendship which happily subsist between them, have resolved to fix, in a clear, distinct, and positive manner, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty, or general convention of peace, friendship, commerce, and navigation.

For this desirable purpose, the President of the United States of America has conferred full powers on Samuel Larned, Chargé d'Affaires of the said States near the Government of Peru; and the Supreme Protector of the North and South Peruvian States, President of the Republic of Bolivia, encharged with the direction of the foreign relations of the Peru-Bolivian Confederation, has conferred like powers on John Garcia del Rio, Minister of State in the Department of Finance of the North Peruvian State; Negotiators.

Who, after having exhibited to each other their respective full powers, found to be in due and proper form, and exchanged certified copies thereof, have agreed to the following articles, to wit:

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship, between the United States of America and the Peru-Bolivian Confederation, in all the extent of their respective territories and possessions, and between their people and citizens, respectively, without distinction of persons or places. Declaration of amity.

ARTICLE II.

The United States of America and the Peru-Bolivian Confederation, desiring to live in peace and harmony, as well with each other as with all the nations of the earth, by means of a policy frank, and equally friendly with all, engage, mutually, not to concede any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party to this treaty; who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional. Most favored nation.

* See notes: "Abrogated, suspended, or obsolete treaties."

ARTICLE III.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality with the most favored nation, mutually agree that the citizens of each may frequent with their vessels all the coasts and countries of the other, and may reside and trade there in all kinds of produce, manufactures, and merchandize, not prohibited to all; and shall pay no other or higher duties, charges or fees, whatsoever, either on their vessels or cargoes, than the citizens or subjects of the most favored [nation] are, or shall be, obliged to pay on their vessels and cargoes; and they shall enjoy, respectively, all the rights, privileges, and exemptions, in navigation and commerce, which the citizens or subjects of the most favored nation do or shall enjoy; they submitting themselves to the laws, decrees, and usages there established, to which such citizens or subjects are of right subjected.

Citizens placed on the footing of the most favored nation.

But it is understood that the stipulations contained in this article do not include the coasting trade of either of the two countries; the regulation of this trade being reserved by the parties, respectively, according to their own separate laws.

Coasting trade excepted.

ARTICLE IV.

It is likewise agreed that it shall be wholly free for all merchants commanders of ships, and other citizen of both countries, to manage themselves their own business in all the ports, and places subject to the jurisdiction of the other, as well with respect to the consignment and sale of their goods and merchandize, as to the purchase of their returns, unloading, loading, and sending off of their vessels. The citizens of neither of the contracting parties shall be liable to any embargo, nor to be detained with their vessels, cargoes, merchandize, or effects, for any military expedition, nor for any public or private purpose whatever, without being allowed therefor a sufficient indemnification. Neither shall they be called upon for any forced loan, or occasional contributions; nor be subject to military service on land or sea.

Privileges of citizens of one nation in the territory of the other in business affairs.

ARTICLE V.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge, shelter, or relief, in the rivers, bays, ports, and dominions of the other, with their vessels, whether of war, (public or private,) of trade, or employed in the fisheries, through stress of weather, want of water or provisions, pursuit of pirates or enemies, they shall be received and treated with humanity; and all favor and protection shall be given to them, in the repairing of their vessels, procuring of supplies, and placing of themselves in a condition to pursue their voyage, without obstacle or hindrance.

Protection to citizens of either party seeking refuge in the dominions of the other.

ARTICLE VI.

All ships, merchandize, and effects belonging to citizens of one of the contracting parties, which may be captured by pirates, whether on the high seas, or within the limits of its jurisdiction, and may be carried or found in the rivers, roads,

Vessels captured by pirates to be restored.

bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being understood that the claim should be made within the term of two years, by the parties themselves, their attornies, or the agents of their respective Governments.

ARTICLE VII.

Shipwrecks

Whenever any vessel belonging to the citizens of either of the contracting parties shall be wrecked, founder, or suffer damage, on the coast, or within the dominions of the other, all assistance and protection shall be given to the said vessel, her crew, and the merchandise on board, in the same manner as is usual and customary with vessels of the nation where the accident happens, in like cases; and it shall be permitted to her, if necessary, to unload the merchandize and effects on board, with the proper precautions to prevent their illicit introduction, without exacting, in this case, any duty, impost, or contribution whatever, provided the same be exported.

ARTICLE VIII.

Power to dispose of personal effects.

Real estate.

The citizens of each of the contracting parties shall have power to dispose of their personal effects, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal effects, whether by testament or ab intestato, and may take possession thereof, either themselves, or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said effects are shall be subject to pay in like cases. And if, in the case of real estate, the said heirs should be prevented from entering into possession of the inheritance on account of their character as aliens, there shall be granted to them the term of three years in which to dispose of the same, as they may think proper, and to withdraw the proceeds, which they may do without obstacle, and exempt from all charges, save those which are imposed by the laws of the country.

ARTICLE IX.

Protection to persons and property

Both the contracting parties solemnly promise and engage to give their special protection to the persons and property of the citizens of each other, of all classes and occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be; for which purpose they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases that may concern them, and likewise at the taking of all evidence and examinations that may be exhibited in the said trials.

And, to render more explicit, and make more effectual, the solemn promise and engagement hereinbefore mentioned, under circumstances to which one of the parties thereto has heretofore been exposed, it is

hereby further stipulated and declared, that all the rights and privileges which are now enjoyed by, or may hereafter be conferred on, the citizens of one of the contracting parties, by or in virtue of the constitution and laws of the other, respectively, shall be deemed and held to belong to, and inhere in, them, until such rights and privileges shall have been abrogated or withdrawn by an authority constitutionally or lawfully competent thereto.

ARTICLE X.

It is likewise agreed, that perfect and entire liberty of conscience shall be enjoyed, by the citizens of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country.

Liberty of conscience secured.

Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

Rites of burial.

ARTICLE XI.

It shall be lawful for the citizens of the United States of America and of the Peru-Bolivian Confederation to sail with their ships with all manner of liberty and security; no distinction being to be made who are the proprietors of the merchandise laden therein, from any port or place whatever, to the ports and places of those who are now, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade, with the same liberty and security, from the places, ports, and havens of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever; not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under that of several. And it is hereby stipulated, that free ships shall give freedom to goods; and that everything shall be deemed to be free and exempt, which shall be found on board of the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; goods contraband of war being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board of a free ship, with this effect, that, although they be enemies to both or either of the parties, they shall not be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemy: Provided, however, and it is hereby further agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle; but if either of the contracting parties shall be at war with a third, and the other be neutral, the flag of the neutral shall cover the property of those enemies whose Governments acknowledge this principle, and not that of others.

Citizens of both parties at liberty to trade with the enemies of either.

Free ships to make free goods, contraband of war excepted.

All persons on board a free ship to be free.

Proviso.

ARTICLE XII.

Qualification of the principle as to neutral property.

It is likewise agreed that, in cases where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the above stipulation, it shall always be understood that the neutral property found on board of such enemy's vessel shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board of such vessels before the declaration of war, or even afterwards, if it were done without the knowledge of such declaration; but the contracting parties agree that, six months having elapsed after the declaration, their citizens shall not be allowed to plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property on board, in this case, the goods and merchandise of the neutral, embarked in such enemy's ship, shall be free.

ARTICLE XIII.

Liberty of commerce and navigation to extend to all goods except contraband. Contraband specified.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting only those which are distinguished by the name of contraband or prohibited goods, under which name shall be comprehended: 1st, cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades and bombs, powder, matches, balls, and all other things belonging to the use of these arms; 2ndly, bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in a military form and for a military use; 3rdly, cavalry belts, and horses with their furniture; 4thly, and generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly for the purposes of war, either by sea or land.

ARTICLE XIV.

All kinds of merchandise, except contraband, free.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified, as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are, at that time, besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a force capable of preventing the entry of the neutral.

ARTICLE XV.

Contraband goods only, liable to confiscation.

Vessels not to be detained.

The articles of contraband, of those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation; but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas, on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such

articles be so great, and of so large a bulk, that they cannot be received on board of the capturing vessel without great inconvenience; but, in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE XVI.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after being warned of such blockade or investment by the commanding officer of a vessel forming part of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place the master or supercargo shall think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting it, with her cargo; nor, if found therein before or after the reduction and surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution, but the owners thereof shall be allowed to remain in the undisturbed possession of their property. And if any vessel, having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, and attempt to depart, she shall be subject to being warned by the blockading forces to return to the port blockaded and discharge the said cargo; and if, after receiving said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences to which a vessel attempting to enter a blockaded port, after being warned off by the blockading forces, would be liable.

Notice of blockade.

Free egress allowed in certain cases.

Vessels not to be permitted to depart with a cargo taken on board during the blockade.

ARTICLE XVII.

To prevent all kinds of disorder and irregularity in the visiting and examining of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with the possibility and safety of making the visit under the circumstances of wind and sea, and in the degree of suspicion attending the vessel to be visited; and shall send one of her small boats, with no more men than those necessary to man it, for the purpose of executing the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible, with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

Right of search at sea.

ARTICLE XVIII.

In case of war, vessels to be provided with sea-letters.

To avoid all vexation and abuses in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the contracting parties, they have agreed, and do agree, that, in case one of them should be engaged in war, the ships and vessels of the other must be furnished with sea-letters, or passports, expressing the name, property, and burden of the ship, as also the name and place of residence of the master or commander thereof, in order that it may thereby appear that the said ship really and truly belongs to the citizens of one of the parties. They have likewise agreed that such ships, being laden, besides the said sea-letters or passports, shall be provided with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any contraband or prohibited goods are on board of the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form, without which requisites the said vessel may be detained to be adjudged by the competent tribunals, and may be declared a legal prize, unless the said defect shall be proved to be owing to accident, or be satisfied or supplied by testimony entirely equivalent, in the opinion of said tribunals, to which ends there shall be allowed a sufficient term of time for its procurement.

If not so provided, may be adjudged lawful prize.

ARTICLE XIX.

Vessels under convoy not subject to examination.

And it is further agreed that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply to those only which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XX.

Prize courts only to take cognizance of prizes.

It is moreover agreed that, in all cases, the established courts for prize causes, in the country to which the prize may be conducted, shall alone take cognizance of them. And whenever such tribunal or court of either party shall pronounce judgment against any vessel, goods, or property, claimed by citizens of the other party, the sentence or decree shall mention the reasons or motives in which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case shall, if demanded, be delivered to the commander or agent of said vessel or property, without any excuse or delay, he paying the legal fees for the same.

ARTICLE XXI.

Citizens of neither party to engage in privateering against the other

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

ARTICLE XXIII

It is understood that a separate agreement will be necessary to regulate the grant of consular privileges and immunities to consular officers and employees, and to their families, and that the Contracting Parties will enter into negotiations for the purpose of concluding such an agreement immediately after the exchange of ratifications of the present Treaty.

ARTICLE XXIV

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; the ratifications shall be exchanged at Washington as soon as possible, and the Treaty shall take effect on the thirtieth day after the exchange of ratifications.

It shall remain in force for the period of two years, and further until the expiration of twelve months after either of the Contracting Parties shall have given notice to the other of its intention to terminate the same; each of the Contracting Parties reserving to itself the right to give such notice to the other at the end of the said period of two years or at any time thereafter.

In witness whereof the respective Plenipotentiaries have signed this Treaty and have affixed thereto their seals.

Done in duplicate at Washington the 24th day of April, 1932.

HENRY L. STIMSON [SEAL]

ANDREW MELLON [SEAL]

RONALD C. LINDSAY [SEAL]

favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such functionaries may not seem convenient.

ARTICLE XXVI.

Commissions and exequatur.

In order that the Consuls and Vice Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form, to the Government to which they are accredited; and, having received their exequatur, they shall be held and considered as such Consuls and Vice-Consuls by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXVII.

Privileges of consuls.

It is likewise agreed that the Consuls, Vice-Consuls, their secretaries, officers, and persons attached to their service, (they not being citizens of the country in which the Consul or Vice-Consul resides,) shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, and from which the citizens of their respective country, resident in the other, are not exempt, in virtue of the stipulations contained in this treaty; they being, in everything besides, subject to the laws of the respective States. The archives, and papers of the consu-

Consular archives.

lates shall be respected inviolably, and under no pretext whatever shall any magistrate or other person seize or in any way interfere with them.

ARTICLE XXVIII.

Deserters.

The said Consuls and Vice-Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for this purpose they shall address themselves to the courts, judges, or officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the ship's roll or other public document, that the men so demanded are part of the crew of the vessel from which it is alleged they have deserted; and on this demand, so proved, (saving, however, when the contrary is more conclusively proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls or Vice-Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belong, or to others of the same nation; but if they should not be so sent within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXIX.

Consular convention to be formed.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare, specially, the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXX.

The United States of America, and the Peru-Bolivian Confederation, lesiring to make as durable as circumstances will permit he relations which are established between the two parties n virtue of this treaty, or general convention of peace, friendship, com- nerce, and navigation, have declared solemnly, and do agree, as follows: Points agreed to.

1st. The present treaty shall be in force for twelve years from the day f the exchange of the ratifications thereof; and, further, ntil the end of one year after either of the contracting par- ies shall have given notice to the other of its intention to terminate the ame, each of them reserving to itself the right of giving such notice to he other, at the end of said term of twelve years, And it is hereby greed between the parties that, on the expiration of one year after such otice shall have been received by either of them from the other, as bove mentioned, this treaty shall, in all the points relating to commerce nd navigation, altogether cease and determine; and in all those parts hich relate to peace and friendship, it shall be permanently and per- etually binding on both Powers. Duration of treaty

2ndly. If any one or more of the citizens of either party shall infringe ny of the articles of this treaty, such citizen or citizens hall be held personally responsible therefor, and the har- nony and good correspondence between the two nations hall not be interrupted thereby; each party engaging in no way to rotect the offender or offenders, or to sanction such violence, under ain of rendering itself liable for the consequences thereof. Citizens personally responsible for violations of this treaty.

3rdly. If, (which, indeed, cannot be expected,) unfortunately, any of ie stipulations contained in the present treaty shall be vio- ated or infringed in any other way whatever, it is expressly ovenanted and agreed, that neither of the contracting par- es will order, or authorize, any act of reprisals, nor declare or make ar against the other, on complaint of injuries or damages resulting ierefrom, until the party considering itself aggrieved shall first have resented to the other a statement or representation of such injuries or amages, verified by competent proofs, and have demanded redress and atisfaction, and the same shall have been either refused or unreasonably elayed. War not to be declared until redress has been demanded.

4thly. Nothing in this treaty contained shall, however, be construed operate contrary to former and existing public treaties ith other states or sovereigns. Other treaties not to be affected by this.

The present treaty of peace, friendship, commerce, and avigation shall be approved and ratified by the President of the United tates of America, by and with the advice and consent of ie Senate thereof, and by the Supreme Protector of the orth and south Peruvian States, President of the Republic of Bolivia, charged with the direction of the foreign relations of the Peru-Boliv- n Confederation; and the ratifications shall be exchanged within ghteen months from the date of the signature hereof, or sooner if pos- ble. Ratifications.

In faith whereof we, the Plenipotentiaries of the United States of merica and the Peru-Bolivian Confederation, have signed and sealed ese presents.

Done in the city of Lima on the thirtieth day of November, in the ar of our Lord one thousand eight hundred and thirty-six.

[SEAL.] SAMUEL LARNED.
[SEAL.] J. GARCIA DEL RIO.

PERU.

1841.

CONVENTION FOR THE SETTLEMENT OF CLAIMS OF CITIZENS OF THE UNITED STATES.

Concluded March 17, 1841; *ratifications exchanged at Lima July* 22, 1843, *and October* 31, 1846; *proclaimed February* 21, 1844, *and January* 8, 1847.*

The United States of America and the Republic of Peru, desirous of consolidating permanently the good understanding and friendship now happily existing between the parties, have resolved to arrange and terminate their differences and pretensions, by means of a convention that shall determine exactly the responsibilities of Peru with respect to the claims of certain citizens of the United States against her:

And with this intention, the President of the United States has appointed James C. Pickett, Chargé d'Affaires of said States near Peru, and His Excellency the President of the Republic of Peru has appointed Don Manuel del Rio, principal officer of the Department of Finance, Acting Minister of the same Department and Supernumerary Councillor of State;

Negotiators.

And both Commissioners, after having exchanged their powers, have agreed upon and signed the following articles:

ARTICLE I.

The Peruvian Government, in order to make full satisfaction for various claim of citizens of the United States, on account of seizures, captures, detentions, sequestrations, and confiscations of their vessels, or for the damage and destruction of them, of their cargoes, or other property, at sea, and in the ports and territories of Peru, by order of said Government of Peru, or under its authority, has stipulated, to pay to the United States, the sum of three

Peru to pay United States $300,000

* The reason why this treaty was proclaimed twice will appear in the following extract from the second proclamation of it, viz:

"And whereas the seventh article of the said convention required that the ratifications of the contracting parties should be exchanged within two years from its date, which provision was not observed by the said parties owing to delays in the ratification rendering such exchange impracticable within the time stipulated; and whereas it appears that the duly constituted authorities of the Republic of Peru did, on the 21st of October, 1845, by law, approve in all respects the said convention, with the condition, however, that the first annual instalment of thirty thousand dollars on account of the principal of the debt recognised thereby, and to which the second article relates, should begin from the 1st of January, 1846, and the interest on this annual sum, according to Article III, should be calculated and paid from the 1st of January, 1842; and whereas the said convention and the aforesaid modification thereof have been duly ratified, and the respective ratifications of the same were exchanged in the city of Lima on the 31st day of October last, by Albert G. Jewett, on the part of the United States, and Manuel del Rio, on the part of the Republic of Peru: Now, therefore, be it known," &c.

hundred thousand dollars, which shall be distributed among the claimants, in the manner and according to the rules that shall be prescribed by the Government of the United States.

Article II.

The sum of three hundred thousand dollars, which the Government of Peru has agreed to pay, in the preceding article, shall be paid at Lima, in ten equal annual instalments of thirty thousand dollars each, to the person or persons that may be appointed by the United States to receive it. The first instalment shall be paid on the first day of January, in the year one thousand eight hundred and forty-four, and an instalment on the first day of each succeeding January, until the whole sum of three hundred thousand dollars shall be paid. To be paid in ten annual instalments.

Article III.

The Peruvian Government agrees also to pay interest on the before-mentioned sum of three hundred thousand dollars, at the rate of four per centum per annum, to be computed from the first day of January, one thousand eight hundred and forty-two, and the interest accruing on each instalment shall be paid with the instalment. That is to say, interest shall be paid on each annual instalment, from the first day of January, one thousand eight hundred and forty-two. Interest.

Article IV.

All the annual payments made on account of the three hundred thousand dollars, shall be paid in hard dollars of the same standard and value as those now coined at the mint in Lima; and the annual payments, as well as the accruing interest, may be exported from Peru, free of all duty whatever. To be paid in hard dollars.

Article V.

There shall not be demanded of the Government of Peru any other payment or indemnification, on account of any claim of the citizens of the United States, that was presented to it by Samuel Larned, esquire, when Chargé d'Affaires of the United States near Peru. But the claims subsequent to those presented by Mr. Larned to the Government of Peru shall be examined and acted upon hereafter. No further demand for claims presented by S. Larned.

Article VI.

It is further agreed, that the Peruvian Government shall have the option of paying each annual instalment, when it is due, with orders on the custom-house at Callao, which shall be indorsable in sums of any amount, and receivable in the treasury, as cash, in payment of duties on importations of all kinds; and the orders shall be given in such a manner as, that in case similar orders shall be at a discount in the market, the full value of each annual payment shall be secured and made good to the United States, as though it had been paid in cash at the time of its falling due; and any loss occasioned by discount, or delay in the collection, shall be borne and made good by the Peruvian Government. Optional with Peru to pay with orders on custom-house at Callao.

ARTICLE VII.

This convention shall be ratified by the contracting parties, and the ratifications shall be exchanged within two years from its date, or sooner if possible, after having been approved by the President and Senate of the United States, and by the Congress of Peru.

Ratifications.

In witness whereof, the respective Commissioners have signed the same, and affixed thereto their seals. Done in triplicate at the city of Lima, this seventeenth day of March, in the year of our Lord one thousand eight hundred and forty-one.

[SEAL.] J. C. PICKETT.
[SEAL.] MANUEL DEL RIO.

1851.*

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGCTION.

Concluded July 26, 1851; *ratifications exchanged at Washington, July* 16, 1852; *proclaimed July* 19, 1852.

The United States of America and the Republic of Peru, being equally animated with the desire to render firm and permanent the peace and friendship which have always so happily subsisted between them, and to place their commercial relations upon the most liberal basis, have resolved to fix clear and precise rules which shall in future be religiously observed between the two nations by means of a treaty of friendship, commerce, and navigation.

To attain this desirable object, the President of the United States of America has conferred full powers on John Randolph Clay, the accredited Chargé d'Affaires of the said States to the Government of Peru, and the President of the Republic of Peru has conferred like full powers on Brigadier General Don Juan Crisostomo Torrico, Minister of War and the Marine, Minister of Foreign Affairs ad interim, &c., &c.; who, after exchanging their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

Negotiators.

ARTICLE I.

There shall be perfect and perpetual peace and friendship between the United States of America and the Republic of Peru, and between their respective territories, people, and citizens, without distinction of persons or places.

Declaration of amity.

ARTICLE II.

The United States of America and the Republic of Peru mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of either republic may frequent with their vessels all the coasts, ports, and places of the other, wherever foreign commerce is permitted, and reside in all parts of the territores of either, and occupy

Freedom of commerce.

* See Notes: "Abrogated, suspended, or obsolete treaties."

wellings and warehouses, and everything belonging thereto shall be espected and shall not be subjected to any arbitrary visits or search.

The said citizens shall have full liberty to trade in all parts of the erritories of either, according to the rules established by he respective regulations of commerce, in all kinds of goods, Privileges of citizens of one nation in the territory of the other in business affairs. erchandise, manufactures, and produce not prohibited to ll, and to open retail stores and shops, under the same unicipal and police regulations as native citizens; and they shall not i this respect be liable to any other or higher taxes or imposts than hose which are or may be paid by native citizens. No examination or ispection of their books, papers, or accounts shall be made without the gal order of a competent tribunal or judge.

The citizens of either country shall also have the unrestrained right o travel in any part of the possessions of the other, and hall in all cases enjoy the same security and protection as Rights of citizens of one nation in the territory of the other. ie natives of the country wherein they reside, on condition f their submitting to the laws and ordinances there prevailing; they hall not be called upon for any forced loan or occasional contribution, or shall they be liable to any embargo, or to be detained with their essels, cargoes, merchandise, goods, or effects, for any military expeition, or for any public purpose whatsoever, without being allowed ierefor a full and sufficient indemnification, which shall in all cases be greed upon and paid in advance.

Article III.

The two high contracting parties hereby bind and engage themselves ot to grant any favor, privilege, or immunity whatever, in Most favored nation. iatters of commerce and navigation, to other nations, which iall not be also immediately extended to the citizens of the other conacting party, who shall enjoy the same, gratuitously, if the concession iall have been gratuitous, or on giving a compensation as nearly as ossible of proportionate value and effect, to be adjusted by mutual greement, if the concession shall have been conditional.

Article IV.

No higher or other duties or charges on account of tonnage, lightouses, or harbour dues, pilotage, quarantine, salvage in case No discrimination in duties on vessels. f damage or shipwreck, or any other local charges, shall be oposed in any ports of Peru on vessels of the United States, of the burden of two hundred tons and upwards, than those payable in the same orts by Peruvian vessels of the same burden; nor in any of the ports of ie United States by Peruvian vessels of the burden of two hundred ons and upwards, than shall be payable in the same ports by vessels of ie United States of the same burden.

Article V.

All kinds of merchandise and articles of commerce which may be wfully imported into the ports and territories of either of ie high contracting parties in national vessels may also No discrimination in duties on account of nationality of vessels in which articles are imported. e so imported in vessels of the other party, without paying her or higher duties and charges of any kind or denomiation whatever than if the same merchandise and articles of comerce were imported in national vessels; nor shall any distinction be ade in the manner of making payment of the said duties or charges.

It is expressly understood that the stipulations in this and the preceding article are to their full extent applicable to the vessels and their cargoes belonging to either of the high contracting parties arriving in the ports and territories of the other, whether the said vessels have cleared directly from the ports of the country to which they appertain, or from the ports of any other nation.

ARTICLE VI.

No discriminating duties on account of nationality of imports.

No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of either of the high contracting parties of any article the produce growth, or manufacture of the other party, than are or shall be payable on the like article being the produce, growth, or manufacture of any other country; nor shall any prohibition be imposed upon the importation of any article the produce, growth, or manufacture of either party into the ports or territories of the other, which shall not equally extend to all other nations.

ARTICLE VII.

No discrimination in duties, drawbacks, and bounties on exports.

All kinds of merchandise and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels may also be exported in vessels of the other party; and they shall be subject to the same duties only, and be entitled to the same drawbacks, bounties, and allowances, whether the same merchandise and articles of commerce be exported in vessels of the one party or in vessels of the other party.

ARTICLE VIII.

Changes in duties, when to take effect.

No changes or alterations in the tariffs of either of the high contracting parties, *augmenting* the duties payable upon merchandise or articles of commerce of any sort or kind imported into or exported from their respective ports, shall be held to apply to the commerce or navigation of either party, until the expiration of eight calendar months after the said changes or alterations shall have been promulgated and become a law, unless the law or decree by which such changes or alterations shall be made contain a prospective provision to the same or similar effect.

ARTICLE IX.

Provisions as to coasting trade.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another situated in the territories of either contracting party; the regulation of such navigation and trade being reserved, respectively, by the parties, according to their own separate laws.

Vessels may visit successive ports.

Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port or ports of the same territories open to foreign commerce, without paying other or higher tonnage-dues or port-charges in such cases than would

be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outwards.

ARTICLE X.

The Republic of Peru, desiring to increase the intercourse along its coasts, by means of steam navigation, hereby engages to accord to any citizen or citizens of the United States who may establish a line of steam-vessels, to navigate regularly between the different ports of entry within the Peruvian territories, the same privileges of taking in and landing freight, entering the by-ports for the purpose of receiving and landing passengers and their baggage, specie, and bullion, carrying the public mails, establishing depots for coal, erecting the necessary machine and workshops for repairing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever. It is furthermore understood between the two high contracting parties, that the steam-vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company.

Provisions as to steam-vessels.

ARTICLE XI.

For the better understanding of the preceding articles, and taking into consideration the actual state of the commercial marine of Peru, it is stipulated and agreed that every vessel belonging exclusively to a citizen or citizens of the said republic, and of where the captain is also a citizen of the same, though the construction or the crew is or may be foreign, shall be considered, for all the objects of this treaty, as a Peruvian vessel.

What shall be considered a Peruvian vessel.

ARTICLE XII.*

The whale-ships of the United States shall have access to the port of Tumbez, as well as to the ports of entry in Peru, and may sail from one port to another for the purposes of refreshment and refitting, and they shall be permitted to sell or barter their supplies or goods, including oil, to the amount of two hundred dollars, ad valorem, for each vessel without paying any tonnage or harbour dues, or any duties or imposts upon the articles so sold or bartered. They shall be also permitted, with like exemption from tonnage and harbour dues, further to sell or barter their supplies or goods, including oil, to the additional amount of one thousand dollars, ad valorem, for each vessel, upon paying for the said additional articles the same duties as are payable upon like supplies, or goods and oil, when imported in the vessels and by the citizens or subjects of the most favored nation.

Privileges of whale-ships in Peruvian ports.

ARTICLE XIII.

The merchants, commanders, or masters of vessels, and other citizens of either contracting party, shall be wholly free to manage their own business and affairs, in all the ports and places within the jurisdiction of the other, or to commit their business and affairs to the management of any person whom

Privileges of citizens of one nation in the territory of the other in business affairs.

* This article was amended by the convention of July 4, 1857.

they may choose to appoint, as agent, factor, consignee, or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise and articles of commerce, as to the purchase of their returns, unloading, loading, and sending off their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise or articles of commerce, imported into or to be exported from the territories of either contracting party, the regulations of commerce established in the respective countries being in every case duly observed.

ARTICLE XIV.

Privileges of Peruvians in the mines of California.

Peruvian citizens shall enjoy the same privileges in frequenting the mines, and in digging or working for gold upon the public lands situated in the State of California, as are, or may be hereafter, accorded by the United States of America to the citizens or subjects of the most favored nation.

ARTICLE XV.

Right to dispose of property.

The citizens of either of the high contracting parties shall have the full power and liberty to dispose of their personal property and effects, of every kind and description, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their heirs or representatives, being citizens of the other party, shall succeed to their said personal property and effects, whether by testament or ab intestato, and may take possession of the same themselves or by others acting for them, and dispose of the same at their pleasure, paying such dues only as the inhabitants of the country wherein said effects may be shall be subject to pay in like cases. Should the property consist of real estate, and the heirs, on account of their character as aliens, be prevented from entering into possession of the inheritance, they shall be allowed the term of three years to dispose of the same and withdraw and export the proceeds, which they may do without any hindrance, and without paying any other dues or charges than those which are established by the laws of the country.

ARTICLE XVI.

Shipwrecks.

If any vessel belonging to the citizens of either of the high contracting parties should be wrecked, suffer damage, or be left derelict, on or near the coasts, within the territories of the other, all assistance and protection shall be given to such vessel and her crew; and the vessel, or any part thereof, and all furniture and appurtenances belonging thereto, together with all the merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the owners, or their agents, they paying only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable, in the like case, by national vessels; and it shall be permitted for them to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting in such case any duty, impost, or contribution whatever, provided the same be exported.

Article XVII.

When through stress of weather, want of water or provisions, pursuit of enemies or pirates, the vessels of one of the high contracting parties, whether of war (public or private) or of trade, or employed in fishing, shall be forced to seek shelter in the ports, rivers, bays, and dominions of the other, they shall be received and treated with humanity; sufficient time shall be allowed for the completion of repairs, and while any vessel may be undergoing them its cargo shall not unnecessarily be required to be landed either in whole or in part; all assistance and protection shall be given to enable the vessels to procure supplies, and to place them in a condition to pursue their voyage without obstacle or hindrance. Same subject.

Article XVIII.

All vessels, merchandise, and effects, belonging to the citizens of either of the high contracting parties, which may be captured by pirates, either on the high seas or within the limits of its jurisdiction, and may be carried into or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners or their agents, they proving, in due and proper form, their rights before the competent tribunals; it being understood that the claim thereto shall be made within two years, by the owners themselves, their agents, or the agents of the respective Governments. Property recaptured from pirates to be restored.

Article XIX.

The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other, of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdiction; they shall have free and open access to the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be, and they shall be at liberty to employ, in all causes, the advocates, attornies, notaries, or agents, of whatever description, whom they may think proper. The said citizens shall not be liable to imprisonment without formal commitment under a warrant signed by a legal authority, except in cases *flagrantis delicti;* and they shall in all cases be brought before a magistrate, or other legal authority, for examination, within twenty-four hours after arrest; and if not so examined, the accused shall forthwith be discharged from custody. Said citizens, when detained in prison, shall be treated during their imprisonment with humanity, and no unnecessary severity shall be exercised towards them. Protection to persons and property.

Article XX.

It is likewise agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one or the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance. Liberty of conscience.

Rights of burial.

ARTICLE XXI.

Trade with enemies.

The citizens of the United States of America and of the Republic of Peru may sail with their vessels, with entire freedom and security, from any port to the ports or places of those who now are, or hereafter shall be, enemies of either of the contracting parties, whoever may be the owners of the merchandise laden in the said vessels. The same citizens shall also be allowed to sail with their vessels, and to carry and traffic with their merchandise from the ports and places of the enemies of both parties, or of one of them, without any hindrance, not only to neutral ports and places, but also from one port belonging to an enemy to another enemy's port, whether they be under the jurisdiction of one power or under several. And it is agreed that free ships shall give freedom to goods, and that everything shall be deemed free which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading or a part thereof, should belong to the enemies of either, articles contraband of war being always excepted. The same liberty shall be extended to persons who may be on board free ships, so that said persons cannot be taken out of them, even if they may be enemies of both parties, or of one of them, unless they are officers or soldiers in the actual service of the enemy. It is agreed that the stipulations in this article declaring that the flag shall cover the property shall be understood as applying to those nations only who recognize this principle; but if either of the contracting parties shall be at war with a third, and the other shall remain neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not that of others.

ARTICLE XXII.

Neutral goods—enemies' vessels.

When the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the preceding article, neutral property found on board enemies' vessels shall likewise be considered as enemies' property, and shall be subject to detention and confiscation, unless it shall have been put on board before the declaration of war, or even afterwards, if it were done without knowledge of such declaration; but the contracting parties agree that ignorance cannot be alleged after the lapse of six months from the declaration of war. On the contrary, in those cases where the flag of the neutral does not protect enemies' property which may be found on board, the goods or merchandise of the neutral embarked in enemies' vessels shall be free.

ARTICLE XXIII.

Contraband articles.

The liberty of commerce and navigation stipulated for in the preceding articles shall extend to all kinds of merchandise except the articles called contraband of war, under which name shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, and everything belonging to the use of these arms.

2nd. Bucklers, helmets, breastplates, coats of mail, accoutrements, and clothes made up in military form and for military use.

3d. Cavalry belts and horses, with their harness.

4th. And generally, all offensive or defensive arms made of iron, steel, brass, copper, or of any other material, prepared and formed to make war by land or at sea.

ARTICLE XXIV.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only shall be considered as besieged or blockaded which are actually invested or attacked by a force capable of preventing the entry of the neutral.

All other goods free, except to places besieged or blockaded.

ARTICLE XXV.

The articles of contraband, or those before enumerated and classified, which may be found in a vessel bound for an enemy's ports, shall be subject to detention and confiscation; but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, or of so large bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment according to law.

Provisions for the case of contraband, among free articles.

ARTICLE XXVI.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after having been warned of such blockade or investment by the commanding officer of a vessel forming part of the blockading forces, she again attempt to enter; but she shall be permitted to go to any other port or place the master or supercargo may think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from leaving it with her cargo, nor, if found therein before or after the reduction and surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution; but the owners thereof shall remain in the undisturbed possession of their property. And if any vessel having thus entered the port before the blockade took place shall take on board a cargo after the blockade be established, and attempt to depart, she may be warned by the blockading forces to return to the blockaded port and discharge the said cargo; and if, after receiving such warning, the vessel shall persist in going out with

Blockades and sieges.

the cargo, she shall be liable to the same consequences as in the case of a vessel attempting to enter a blockaded port after having been warned off by the blockading forces.

ARTICLE XXVII.

Right of search.

To prevent disorder and irregularity in visiting and examining the vessels and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other party, the former shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than may be necessary to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board of the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

ARTICLE XXVIII.

Navigation in time of war.

Both contracting parties likewise agree that when one of them shall be engaged in war the vessels of the other must be furnished with sea-letters, patents, or passports, in which shall be expressed the name, burden of the vessel, and the name and place of residence of the owner, and master or captain thereof, in order that it may appear that the vessel really and truly belongs to citizens of the said other party. It is also agreed that such vessels being laden, besides the said sea-letters, patents, or passports, shall be provided with manifests or certificates, containing the particulars of the cargo and the place where it was taken on board, so that it may be known whether any part of the same consists of contraband or prohibited articles; which certificate shall be made out in the accustomed form by the authorities of the port whence the vessel sailed: without which requisites the vessel may be detained to be adjudged by the competent tribunals, and may be declared good and legal prize, unless it shall be proved that the said defect or omission was owing to accident, or unless it shall be satisfied or supplied by testimony equivalent in the opinion of the said tribunals, for which purpose there shall be allowed a reasonable length of time to procure and present it.

ARTICLE XXIX.

Vessels under convoy.

The preceding stipulations relative to the visit and examination of vessels shall apply only to those which sail without convoy; for when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag they carry, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXX.

It is further agreed that, in all prize cases, the courts specially established for such causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such courts of either party shall pronounce judgment against any vessel, merchandise, or property claimed by the citizens of the other party, the sentence or decree shall set forth the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings connected with the case, shall, if demanded, be delivered to the commander or agent of the said vessel, merchandise, or property, without any excuse or delay, upon payment of the established legal fees for the same.

Prize cases.

ARTICLE XXXI.

Whenever one of the contracting parties shall be engaged in war with another nation, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

Citizens of either nation not to serve against the other.

ARTICLE XXXII.

If, which is not to be expected, a rupture should at any time take place between the two contracting nations, and they should engage in war with each other, they have agreed, now for then, that the merchants, traders, and other citizens of all occupations of either of the two parties, residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property, so long as they conduct themselves peaceably and properly, and commit no offense against the laws. And in case their acts should render them justly suspected, and, having thus forfeited this privilege, the respective Governments should think proper to order them to leave the country, the term of twelve months from the publication or intimation of the order therefor shall be allowed them in which to arrange and settle their affairs and remove with their families, effects, and property; to which end the necessary safe conduct shall be given to them, which shall serve as a sufficient protection, until they arrive at the designated port and there embark; but this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, understood that the respective Governments may order the persons so suspected to remove, forthwith, to such places in the interior as may be designated.

Rights of citizens, in case of war between the two nations.

Right to order their removal, how to be exercised.

ARTICLE XXXIII.

In the event of a war, or of any interruption of friendly intercourse between the high contracting parties, the money, private debts, shares in the public funds or in the public or private banks, or any other property whatever, belonging to the citizens of the one party in the territories of the other, shall in no case be sequestrated or confiscated.

Property and debts not to be confiscated by war.

ARTICLE XXXIV.

Rights of envoys.

The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their Envoys, Ministers, Chargés d'Affaires, and other diplomatic agents, the same favors, privileges, immunities, and exemptions, that those of the most favored nations do or shall enjoy; it being understood that the favors, privileges, immunities, and exemptions granted by the one party to the Envoys, Ministers, Chargés d'Affaires, or other diplomatic agents of the other party, or to those of any other nation shall be reciprocally granted and extended to those of both the high contracting parties respectively.

ARTICLE XXXV.

Consuls.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Peru agree to admit and receive, mutually, Consuls and Vice-Consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation. But to enjoy the rights, prerogatives, and immunities which belong to them, in virtue of their public character, the Consuls and Vice-Consuls shall before exercising their official functions, exhibit to the government to which they are accredited their commissions or patents in due form, in order to receive their exequatur; after receiving which they shall be acknowledged, in their official characters, by the authorities, magistrates, and inhabitants of the district in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places where the admission and residence of Consuls or Vice-Consuls may not seem convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

ARTICLE XXXVI.

Consuls to be exempted from taxes.

The Consuls, Vice-Consuls, their officers, and persons employed in their consulates, shall be exempt from all public service and from all kinds of taxes, imposts, and contributions, except those which they shall lawfully be held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being, in other respects, subject to the laws of the respective countries. The archives and papers of the consulates shall be inviolably respected, and no person, magistrate, or other public authority shall, under any pretext, interfere with or seize them.

Consular archives.

ARTICLE XXXVII.

Deserters.

The Consuls and Vice-Consuls shall have power to require the assistance of the public authorities of the country in which they reside, for the arrest, detention, and custody of deserters from the vessels of war or merchant-vessels of their nation; and where the deserters claimed shall belong to a merchant vessel, the Consuls or Vice-Consuls must address themselves to the competent authority, and demand the deserters in writing, proving, by the ship's roll or other public document, that the individuals claimed are a part of the crew

of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel of war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to identify the deserters; and when the demand of the Consuls or Vice-Consuls shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the Consuls or Vice-Consuls, or, at the request of these, shall be put in the public prisons and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong, or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority, or other person within their respective dominions, to harbor or protect such deserters.

ARTICLE XXXVIII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties. Consular convention to be formed.

ARTICLE XXXIX.

Until the conclusion of a consular convention, the high contracting parties agree that, in the absence of the legal heirs or representatives, the Consuls or Vice-Consuls of either party shall be ex-officio the executors or administrators of the citizens of their nation who may die within their consular jurisdictions, and of their countrymen dying at sea, whose property may be brought within their district. The said Consuls or Vice-Consuls shall call in a justice of the peace, or other local authority, to assist in taking an inventory of the effects and property left by the deceased; after which, the said effects shall remain in the hands of the said Consuls or Vice-Consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their respective governments. And where the deceased has been engaged in commerce or other business, the Consuls or Vice-Consuls shall hold the effects and property so remaining until the expiration of twelve calendar months; during which time the creditors, if any, of the deceased, shall have the right to present their claims or demands against the said effects and property, and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that if no claim or demand shall have been made against the effects and property of an individual so deceased, the Consuls or Vice-Consuls, at the expiration of the twelve calendar months, may close the estate and dispose of the effects and property, in accordance with the instructions from their own governments. Death of citizens of one nation in the territory of the other.

ARTICLE XL.

The United States of America and the Republic of Peru, desiring to make as durable as circumstances will permit the relations established

between the two parties in virtue of this treaty of friendship, commerce, and navigation, declare solemnly and agree as follows:

1st. The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof; and, further, until the end of one year after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at the end of the said term of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party, as above mentioned, this treaty shall altogether cease and determine.

Duration of treaty.

2dly. If any citizen or citizens of either party shall infringe any of the articles of the treaty, such citizen or citizens shall be held personally responsible therefor; and the harmony and good understanding between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender or offenders, or to sanction such violation, under pain of rendering itself liable for the consequences thereof.

Acts of private citizens not to disturb amicable relations.

3dly. Should unfortunately any of the provisions contained in the present treaty be violated or infringed in any other manner whatever, it is expressly stipulated and agreed that neither of the contracting parties shall order or authorize any act of reprisals, nor declare or make war against the other, on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing contained in this treaty shall, however, be construed to operate contrary to former and existing public treaties with other nations or sovereigns.

The present treaty of friendship, commerce, and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Peru, with the authorization of the Congress thereof; and the ratifications shall be exchanged at Washington within eighteen months from the date of the signature hereof, or sooner if possible.

Ratifications.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Peru, have signed and sealed these presents.

Done at the city of Lima on the twenty-sixth day of July, in the year of our Lord one thousand eight hundred and fifty-one.

[SEAL.] J. Randolph Clay.
[SEAL.] J. Cmo. Torrico.

1856.

CONVENTION RELATIVE TO THE RIGHTS OF NEUTRALS AT SEA.

Concluded July 22, 1856; ratifications exchanged at Washington, October 31, 1857; proclaimed November 2, 1857.

The United States of America and the Republic of Peru, in order to render still more intimate their relations of friendship and good under-

standing, and desiring, for the benefit of their respective commerce and that of other nations, to establish an uniform system of maritime legislation in time of war, in accordance with the present state of civilization, have resolved to declare, by means of a formal convention, the principles which the two Republics acknowledge as the basis of the rights of neutrals at sea, and which they recognize and profess as permanent and immutable, considering them as the true and indispensable conditions of all freedom of navigation and maritime commerce and trade.

For this purpose the President of the United States of America has conferred full powers on John Randolph Clay, their Envoy Extraordinary and Minister Plenipotentiary to the Government of Peru; and the Liberator President of the Republic of Peru has conferred like full powers on Don José Maria Seguin, Chief Officer of the Ministry of Foreign Affairs, in charge of that Department; Negotiators.

Who, after having exchanged their said full powers, found to be in good and due form, have agreed upon and concluded the following articles:

Article I.

The two high contracting parties recognize as permanent and immutable the following principles:

1st. That free ships make free goods; that is to say, that the effects or merchandise belonging to a Power or nation at war, or to its citizens or subjects, are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war. Free ships make free goods.

2d. That the property of neutrals on board of an enemy's vessel is not subject to detention or confiscation, unless the same be contraband of war; it being also understood that, as far as regards the two contracting parties, warlike articles destined for the use of either of them shall not be considered as contraband of war. Neutral property.

The two high contracting parties engage to apply these principles to the commerce and navigation of all Powers and States as shall consent to adopt them as permanent and immutable.

Article II.

It is hereby agreed between the two high contracting parties that the provisions contained in article twenty-second of the treaty concluded between them at Lima on the twenty-sixth day of July, one thousand eight hundred and fifty-one, are hereby annulled and revoked, in so far as they militate against or are contrary to the stipulations contained in this convention; but nothing in the present convention shall in any manner affect or invalidate the stipulations contained in the other articles of the said treaty of the twenty-sixth of July, one thousand eight hundred and fifty-one, which shall remain in their full force and effect. Article XXII of treaty of July 26, 1851, annulled.

Article III.

The two high contracting parties reserve to themselves to come to an ulterior understanding, as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the first article; but they declare from this time that they will take the stipula- Understanding as to application of these principles.

tions contained in the said article as a rule, whenever it shall become a question, to judge of the rights of neutrality.

ARTICLE IV.

Other nations may accede to this treaty.

It is agreed between the two high contracting parties that all nations which shall consent to accede to the rules of the first article of this convention by a formal declaration, stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two parties signing this convention. They shall communicate to each other the result of the steps which may be taken on the subject.

ARTICLE V.

Ratifications.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by the President of the Republic of Peru, with the authorization of the legislative body of Peru, and the ratifications shall be exchanged at Washington within eighteen months from the date of the signature hereof, or sooner if possible.

In faith whereof, the Plenipotentiaries of the United States of America and the Republic of Peru have signed and sealed these presents.

Done at the city of Lima on the twenty-second day of July, in the year of our Lord one thousand eight hundred and fifty-six.

[SEAL.] J. RANDOLPH CLAY.
[SEAL.] J. M. SEGUIN.

1857.*

CONVENTION INTERPRETING THE TWELFTH ARTICLE OF THE TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION OF JULY 26, 1851.

Concluded July 4, 1857; *ratifications exchanged at Washington October* 13, 1858; *proclaimed October* 14, 1858.

Certain doubts having arisen with regard to the interpretation to be given to article twelfth of the treaty of the 26th of July, 1851, as to the goods, other than oil and the produce of their fishery, that the whaleships of the United States may land and sell, or barter, duty free, for the purpose of obtaining provisions and refitting; a concession which, in articles eighty-one and one hundred and ten of the General Commercial Regulations, is not so extensive; and it being convenient, for the advantage of the citizens of the United States employed in the whale fishery, and of the citizens of Peru, who furnish provisions, to fix, clearly and definitively, the proper meaning of the concessions stipulated in the above-mentioned article twelfth of the treaty of the 26th of July, 1851, so that while those reciprocal benefits are secured, all and every controversy in the matter may be avoided:

Negotiators.

The Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Peru, John Randolph Clay, in virtue of his full powers, and His Excellency Doctor

*See Notes: "Abrogated, suspended, or obsolete treaties."

Don Manuel Ortiz de Zevallos, Minister of Foreign Affairs of the Republic of Peru, fully authorized to act in the premises by the Excellent Council of Ministers charged with the Government of the Republic, after having held repeated conferences, and come to a mutual understanding upon the true spirit and extent of the exemption from duties conceded to the said whale-ships in the sale and barter of their stores and merchandise, by article twelfth of the treaty of 1851, which provides:

"ARTICLE XII.

"The whale-ships of the United States shall have access to the port of Tumbez as well as to the ports of entry of Peru, and may sail from one port to another for the purposes of refreshment and refitting, and they shall be permitted to sell or barter their supplies or goods, including oil, to the amount of two hundred dollars, ad valorem, for each vessel, without paying any tonnage or harbor dues, or any duties or imposts upon the articles so sold or bartered. They shall be also permitted, with like exemption from tonnage and harbor dues, further to sell or barter their supplies or goods, including oil, to the additional amount of one thousand dollars, ad valorem, for each vessel, upon paying for the said additional articles the same duties as are payable upon like supplies or goods and oil when imported in the vessels and by the citizens or subjects of the most favored nations:"

Have agreed and declared:

ARTICLE I.

That the permission to the whale-ships of the United States to barter or sell their supplies and goods to the value of two hundred dollars ad valorem, without being obliged to pay port or tonnage dues, or other imposts, should not be understood to comprehend every kind of merchandise without limitation, but those only that whale-ships are usually provided with for their long voyages.

Extent of exemption of whale-ships from duty.

ARTICLE II.

That in the said exemption from duties of every kind are included the following articles, in addition to the produce of their fishery, viz:

Articles exempted.

White unbleached domestics.
White bleached domestics.
Wide cotton cloths.
Blue drills.
Twilled cottons.
Shirting stripes.
Ticking.
Cotton shirtings.
Prints.
Sailors' clothing of all kinds.
Soap.
Slush.
Boots, shoes, and brogans.
Axes, hatchets.
Biscuit of every kind.
Flour.
Lard.
Butter.
Rum.
Beef.
Pork.
Spermaceti and composition candles.
Canvass.
Rope.
Tobacco.

ARTICLE III.

It is also agreed upon and understood between the contracting parties, that the whale ships of the United States may land and sell or barter, free of all duties or imposts whatsoever, the supplies and merchandise specified in the preceding article, to the amount of five hundred dollars, ad valorem, in conformity with article 81 of the General Commercial Regulations; but for every additional quantity from five hundred dollars to one thousand dollars, ad valorem, the exemption shall only extend to port and tonnage dues.

Limited to the value of $500 free of duty.

ARTICLE IV.

The stipulations in this convention shall have the same force and effect as if inserted, word for word, in the treaty concluded in Lima on the 26th of July, 1851, and of which they shall be deemed and considered as explanatory. For which purpose the present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Executive Power of the Republic of Peru, with the authorization of the national Peruvian legislature; and the ratifications shall be exchanged in Washington in as short a time as possible.

Ratifications.

In faith whereof, the above-named plenipotentiaries have signed, in quadruplicate, this convention, explanatory of the treaty of the twenty-sixth of July, one thousand eight hundred and fifty-one, and have hereunto affixed their seals.

Done at Lima, the fourth day of July, in the year of our Lord one thousand eight hundred and fifty-seven.

[SEAL.] J. RANDOLPH CLAY.
[SEAL.] MANUEL ORTIZ DE ZEVALLOS.

1862.

CONVENTION PROVIDING FOR THE SUBMISSION TO ARBITRATION OF THE CLAIMS OF THE OWNERS OF THE "LIZZIE THOMPSON" AND "GEORGIANA," AGAINST PERU.

Concluded December 20, 1862; *ratifications exchanged at Lima, April* 21, 1863; *proclaimed May* 19, 1863.

Whereas differences having arisen between the United States of America and the Republic of Peru, originating in the capture and confiscation by the latter of two ships belonging to citizens of the United States, called the "Lizzie Thompson" and "Georgiana;" and the two Governments not being able to come to an agreement upon the questions involved in said capture and confiscation, and being equally animated with the desire to maintain the relations of harmony which have always existed, and which it is desirable to preserve and strengthen between the two Governments, have agreed to refer all the questions, both of law and fact, involved in the capture and confiscation of said ships by the Government of Peru, to the decision of some friendly Power; and it being now expedient to proceed to and regulate the reference as above described, the United States of America and the Republic of Peru have

for that purpose named their respective Plenipotentiaries, that is to say:

The President of the United States has appointed Christopher Robinson, their Envoy Extraordinary and Minister Plenipotentiary to Peru, and the President of Peru Dr. José Gregorio Paz Soldan, Minister of State in the office of Foreign Relations and President of the Council of Ministers; Negotiators.

Who, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

The two contracting parties agree in naming as arbiter, umpire, and friendly arbitrator, His Majesty the King of Belgium, conferring upon him the most ample power to decide and determine all the questions, both of law and fact, involved in the proceedings of the Government of Peru in the capture and confiscation of the ships "Lizzie Thompson" and "Georgiana." The King of Belgium to be arbiter.

ARTICLE II.

The two contracting parties will adopt the proper measures to solicit and obtain the assent of His Majesty the King of Belgium to act in the office hereby conferred upon him. The King of Belgium to be properly solicited to act as arbiter.

After His Majesty the King of Belgium shall have declared his assent to exercise the office of arbiter, the two contracting parties will submit, through their diplomatic agents residing at Brussels, to His Majesty copies of all the correspondence, proofs, papers, and documents which have passed between the two Governments or their respective representatives; and should either party think proper to present to said arbiter any other papers, proofs, or documents in addition to those above mentioned, the same shall be communicated to the other party within four months after the ratification of this convention. Papers to be submitted to him.

ARTICLE III.

Both parties being equally interested in having a decision upon the questions hereby submitted, they agree to deliver to the said arbiter all the documents referred to in the second article within six months after he shall have signified his consent to act as such. Documents to be submitted within six months.

ARTICLE IV.

The sentence or decision of said arbiter, when given, shall be final and conclusive upon all the questions hereby referred, and the contracting parties hereby agree to carry the same into immediate effect. Decision of arbiter to be final.

ARTICLE V.

This convention shall be ratified and the ratifications exchanged in the term of six months from the date hereof. Ratifications.

In faith whereof the Plenipotentiaries of the two Governments have signed and sealed, with their respective seals, the present convention.

Done in the city of Lima, in duplicate, on the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-two.

[SEAL.] CHRISTOPHER ROBINSON.
[SEAL.] JOSÉ G. PAZ SOLDAN.

1863.

CONVENTION FOR THE SETTLEMENT OF CLAIMS.

Concluded January 12, 1863; *ratifications exchanged at Lima April* 18, 1863; *proclaimed May* 19, 1863.

The United States of America and the Republic of Peru, desiring to settle and adjust amicably the claims which have been made by the citizens of each country against the Government of the other, have agreed to make arrangements for that purpose by means of a convention, and have named as their Plenipotentiaries to confer and agree thereupon as follows:

Negotiators.

The President of the United States, Christopher Robinson, Envoy Extraordinary and Minister Plenipotentiary of said States to Peru, and the President of Peru, Dr. José Gregorio Paz Soldan, the Minister of Foreign Relations and President of the Council of Ministers;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed as follows:

ARTICLE I.

Claims to be referred to a mixed commission.

All claims of citizens of the United States against the Government of Peru, and of citizens of Peru against the Government of the United States, which have not been embraced in conventional or diplomatic agreement between the two Governments or their Plenipotentiaries, and statements of which, soliciting the interposition of either Government, may, previously to the exchange of the ratifications of this convention, have been filed in the Department of State at Washington, or the Department of Foreign Affairs at Lima, shall be referred to a mixed commission composed of four members, appointed as follows: Two by the Government of the United States, and two by the Government of Peru. In case of the death, absence, or incapacity of either Commissioner, or in the event of either Commissioner ceasing to act, the Government of the United States, or its Envoy Extraordinary and Minister Plenipotentiary in Peru, acting under its direction, or that of the Republic of Peru, shall forthwith proceed to fill the vacancy thus occasioned.

Appointment of commissioners.

Vacancies.

ARTICLE II.

Appointment of umpire.

The Commissioners so named shall immediately after their organisation, and before proceeding to any other business, proceed to name a fifth person to act as an arbitrator or umpire in any case or cases in which they may themselves differ in opinion.

ARTICLE III.

To meet in Lima within three months.

The Commissioners appointed as aforesaid shall meet in Lima within three months after the exchange of the ratifications of this convention; and each one of the Commissioners, before proceeding to any business, shall take an oath, made and subscribed before the most Excellent Supreme Court, that they will carefully examine and impartially decide, according to the

To take and subscribe an oath.

principles of justice and equity, the principles of international law and treaty stipulations, upon all the claims laid before them under the provisions of this convention, and in accordance with the evidence submitted on the part of either Government. A similar oath shall be taken and subscribed by the person selected by the Commissioners as arbitrator or umpire, and said oaths shall be entered upon the record of the proceedings of said commission.

Oath of umpire.

ARTICLE IV.

The arbitrator or umpire being appointed, the Commissioners shall without delay, proceed to examine and determine the claims specified in the first article, and shall hear, if required, one person in behalf of each Government on each separate claim. Each government shall furnish, at the request of either of the Commissioners, the papers in its possession which may be important to the just determination of any of the claims referred.

Claims to be examined.

Mode of procedure.

Papers to be furnished.

ARTICLE V.

From the decision of the Commissioners there shall be no appeal; and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of their claims as to the amount of indemnification that may be adjudged to the claimants; and in case the Commissioners cannot agree, the points of difference shall be referred to the arbitrator or umpire, before whom the Commissioners may be heard, and his decision shall be final.

Decision of commissioners to be final.

Agreement of three to be sufficient.

ARTICLE VI.

The decision of the mixed commission shall be executed without appeal by each of the contracting parties, and it shall be the duty of the Commissioners to report to the respective Governments the result of their proceedings; and if the decision of said Commissioners require the payment of indemnities to any of the claimants, the sums determined by the said Commissioners shall be paid by the Government against which they are awarded within one month after said Government shall have received the report of said Commissioners; and for any delay in the payment of the sum awarded after the expiration of said month, the sum of six per cent. interest shall be paid during such time as said delay shall continue.

Decision to be executed without appeal.

Payments, how made.

Interest.

ARTICLE VII.

For the purpose of facilitating the labors of the mixed commission, each Government shall appoint a secretary to assist in the transaction of their business and to keep a record of their proceedings, and for the conduct of their business said commissioners are authorised to make all necessary rules.

Secretary to the commission.

Rules of business.

ARTICLE VIII.

The decisions of this Commission, or of the umpire in case of a difference between the Commissioners, shall be final and conclusive, and shall be carried into full effect by the two contracting parties. The Commission shall terminate its labors in six months from and including the day of its organization; pro-

Decisions to be final.

Commission to terminate in six months.

vided, however, if at the time stipulated for the termination of said Commission any case or cases should be pending before the umpire and awaiting his decision, it is understood and agreed by the two contracting parties that said umpire is authorised to proceed and make his decision or award in such case or cases; and upon his report thereof to each of the two Governments, mentioning the amount of indemnity, if such shall have been allowed by him, such award shall be final and conclusive in the same manner as if it had been made by the Commissioners under their own agreement; provided that said decision shall be made by said umpire within thirty days after the final adjournment of said Commission, and at the expiration of the said thirty days the power and authority hereby granted to said umpire shall cease.

Umpire may have thirty days adjudication.

ARTICLE IX.

Each Government shall pay its own Commissioners and secretary, but the umpire shall be paid, one-half by the Government of the United States and one-half by the Republic of Peru.

Expenses.

ARTICLE X.

The present convention shall be ratified, and the ratifications thereof shall be exchanged in the term of four months from the date hereof.

Ratifications.

In faith whereof, the respective Plenipotentiaries have signed the same and affixed their respective seals.

Done in the city of Lima this twelfth day of January, in the year of our Lord one thousand eight hundred and sixty-three.

[SEAL.] CHRISTOPHER ROBINSON.
[SEAL.] JOSÉ G. PAZ SOLDAN.

1868.

CONVENTION FOR THE SETTLEMENT OF CLAIMS.

Concluded December 4, 1868; *ratifications exchanged at Lima June* 4, 1869; *proclaimed July* 6, 1869.

Whereas claims may have, at various times since the signature of the decisions of the mixed commission which met in Lima in July, 1863, been made upon the Government of the United States of America, by citizens of Peru, and have been made by citizens of the United States of America on the Government of Peru; and whereas some of such claims are still pending: The President of the United States of America and the President of Peru, being of opinion that a speedy and equitable settlement of all such claims will contribute much to the maintenance of the friendly feelings which subsist between the two countries, have resolved to make arrangements for that purpose by means of a convention, and have named as their Plenipotentiaries to confer and agree thereupon, that is to say:

The President of the United States names Alvin P. Hovey, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near the Government of Peru; and the

Negotiators.

President of Peru names His Excellency Doctor Don José Antonio Barrenechea, Minister of Foreign Affairs of Peru;

Who, after having communicated to each other their respective full powers, found in good and true form, have agreed as follows:

ARTICLE I.

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Peru, and all claims on the part of corporations, companies, or private individuals, citizens of Peru, upon the Government of the United States, which may have been presented to either government for its interposition since the sittings of the said mixed commission, and which remain yet unsettled, as well as any other claims which may be presented within the time specified in Article III hereinafter, shall be referred to the two Commissioners, who shall be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, and one by the President of Peru. In case of the death, absence, or incapacity of either Commissioner, or in the event of either Commissioner omitting or ceasing to act as such, the President of the United States or the President of Peru, respectively, shall forthwith name another person to act as Commissioner in the place or stead of the Commissioner already named. The Commissioners so named shall meet at Lima at their earliest convenience after they have been respectively named, not to exceed three months from the ratification of this convention, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the Governments of the United States and Peru, respectively, and such declarations shall be entered on the record of the Commission.

Claims to be referred to a mixed commission.

Appointment of commissioners.

Vacancies.

Organization.

The Commissioners shall then, and before proceeding to other business, name some third person of some third nation to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person of a third nation, and in each and every case in which the Commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire in that particular case. The person or persons so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall have already been made and subscribed by the Commissioners, which shall be entered upon the records of their proceedings. In the event of the death, absence, or incapacity of such persons or persons, or of his or their omitting or declining, or ceasing to act as such Arbitrator or Umpire, another and different person shall be named as aforesaid to act as such Arbitrator or Umpire in the place and stead of the person so originally named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Appointment of umpire.

ARTICLE II.

The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to their notice. They shall investigate and decide upon such claims in such order and in such manner as they may conjointly think proper, but upon such evidence or information as shall be furnished by or on behalf of their respective Governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective Governments, in support of or in answer to any claim, and to hear, if required, one person on each side on behalf of each Government as Counsel or Agent for such Government, on each and every separate claim. Should they fail to agree in opinion on any individual claim, they shall call to their assistance the Arbitrator or Umpire whom they have agreed to name, or who may be determined by lot, as the case may be, and such Arbitrator or Umpire, after having examined the evidence adduced for and against the claim, and after having heard, as required, one person on each side, as aforesaid, and consulted with the Commissioners, shall decide thereupon finally and without appeal. The decision of the Commissioners and of the Arbitrator or Umpire shall be given upon each claim in writing, and shall be signed by them respectively. It shall be competent for each Government to name one person to attend the Commissioners as agent on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

Claims to be examined.

Mode of procedure.

Agents to be appointed.

The President of the United States, and the President of Peru, hereby solemnly and sincerely engage to consider the decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him, respectively, and to give full effect to such decisions, without any objections, evasion, or delay whatsoever. It is agreed that no claim arising out of any transaction of a date prior to the 30th of November, 1863, shall be admissible under this convention.

Decisions to be final.

ARTICLE III.

Every claim shall be presented to the Commissioners within two months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners, or of the Arbitrator or Umpire, in the event of the Commissioners differing in opinion thereon, and then and in every such case the period for presenting the claim may be extended to any period not exceeding one month longer.

Time for presenting claims.

The Commissioners shall be bound to examine and decide upon every claim within six months from the day of their first meeting.

ARTICLE IV.

All sums of money which may be awarded by the Commissioners, or by the Arbitrator or Umpire, on account of any claim, shall be paid by the one Government to the other, as the case may be, within four months after the date of the decision, without interest, and without any deduction, save as specified in Article VI, hereinafter.

Payment of awards.

ARTICLE V.

The high contracting parties agree to consider the result of the proceedings of this Commission as a full, perfect, and final settlement of every claim upon either Government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said Commissioners, shall, from and after the conclusion of the proceedings of the said Commission, be considered and treated as finally settled, barred, and therefore inadmissible.

Result of proceedings to be a final settlement of all claims.

ARTICLE VI.

The salaries of the Commissioners shall not exceed forty-five hundred dollars in United States gold coin, each, yearly. Those of the secretaries and Arbitrator or Umpire shall be determined by the Commissioners; and in case the said Commission finish its labors in less than six months, the Commissioners, together with their assistants, will be entitled to six months' pay, and the whole expenses of the Commission shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded. The deficiency, if any, shall be defrayed by the two Governments in moieties.

Salaries of Commissioners, Umpire, and secretaries.

ARTICLE VII.

The present convention shall be ratified by the President of the United States, by and with the consent of the Senate thereof, and by the President of Peru, with the approbation of the Congress of that Republic, and the ratifications will be exchanged in Lima, as soon as may be, within six months of the date hereof.

Ratifications.

ARTICLE VIII.

The high contracting parties declare that this convention shall not be considered as a precedent obligatory on them, and that they remain in perfect liberty to proceed in the mannner that may be deemed most convenient regarding the diplomatic claims that may arise in the future.

This convention not to be a precedent as to future claims.

In witness whereof the respective Plenipotentiaries have signed the same in the English and Spanish languages, and have affixed thereto the seals of their arms.

Done in Lima the fourth day of December, in the year of our Lord one thousand eight hundred and sixty-eight.

[SEAL.] ALVIN P. HOVEY.
[SEAL.] J. A. BARRENECHEA.

1870.*

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

Concluded September 6, 1870; ratifications exchanged at Lima May 28, 1874; proclaimed July 27, 1874.

The United States of America and the Republic of Peru, being equally animated with the desire to render firm and permanent the peace and friendship which have always so happily subsisted between them, and to place their commercial relations upon the most liberal basis, have resolved to fix clear and precise rules which shall in future be religiously observed between the two nations by means of a treaty of friendship, commerce and navigation. To attain this desirable object, the President of the United States of America has conferred full powers on Alvin P. Hovey, the accredited Envoy Extraordinary and Minister Plenipotentiary of the said States to the Government of Peru, and the President of Peru has conferred like full powers upon Doctor José Jorge Loayza, Minister of Foreign Affairs, who, after exchanging their respective full powers, found to be in good and due form, have agreed upon, and concluded the following articles.

Negotiators.

ARTICLE I.

There shall be perfect and perpetual peace and friendship between the United States of America and the Republic of Peru, and between their respective territories, people and citizens, without distinction of persons or places.

Declaration of amity.

ARTICLE II.

The United States of America and the Republic of Peru mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of either republic may frequent with their vessels, all the coasts, ports, and places of the other, wherever foreign commerce is permitted, and reside in all parts of the territory of either, and occupy the dwellings and warehouses which they may require; and everything belonging thereto shall be respected, and shall not be subject to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territories of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce not prohibited to all, and to open retail stores and shops under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens. The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing: they shall not be called upon for any forced loan or extraordinary contribution, for any military expedition, or for any public purpose whatever, nor

Liberty of commerce and navigation.
Right to frequent ports.
Residence.
Arbitrary searches.
Trading.
Equality of taxes.
Traveling.
Security.
Forced loans.

* See Notes: "Abrogated, suspended, or obsolete treaties."

shall they be liable to any embargo, or be detained with their vessels, cargoes, merchandise, goods or effects, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance. Indemnity for embargo.

ARTICLE III.

The two high contracting parties hereby bind, and engage themselves not to grant any favor, privilege, or immunity whatever, in matters of commerce and navigation, to other nations, which shall not be immediately extended also to the citizens of the other contracting party, who shall enjoy the same gratuitously if the concession shall have been gratuitous, or on giving a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional. Most favored nation.

ARTICLE IV.

No higher or other duties or charges on account of tonnage, light-houses or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any ports of Peru on vessels of the United States than those payable in the same ports by Peruvian vessels: nor in any of the ports of the United States by Peruvian vessels than shall be payable in the same ports by vessels of the United States. No discriminating duties on vessels.

ARTICLE V.

All kinds of merchandise and articles of commerce which may be lawfully imported into the ports and territories of either of the high contracting parties in national vessels, may also be so imported in vessels of the other party without paying other or higher duties or charges of any kind or denomination whatever than if the same merchandise and articles of commerce were imported in national vessels; nor shall any distinction be made in the manner of making payment of the said duties or charges. It is expressly understood that the stipulations in this and the preceding article are to their full extent applicable to the vessels and their cargoes belonging to either of the high contracting parties arriving in the ports and territories of the other, whether the said vessels have cleared directly from the ports of the country to which they appertain or from the ports of any other nation. No discriminating duties on imports on account of nationality of vessels importing same.

ARTICLE VI.

No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of either of the high contracting parties of any article, the produce, growth, or manufacture of the other party, than are or shall be payable on the like article being the produce, growth, or manufacture of any other country; nor shall any prohibition be imposed upon the importation of any article the produce, growth, or manufacture of either party into the ports or territories of the other, which shall not equally extend to all other nations. No discriminating duties on account of nationality of imports.

ARTICLE VII.

No discrimination in duties, drawbacks, and bounties on exports.

All kinds of merchandise and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels, may also be exported in vessels of the other party; and they shall be subject to the same duties only, and be entitled to the same drawbacks, bounties and allowances whether the same merchandise and articles of commerce be exported in vessels of the one party, or in vessels of the other party.

ARTICLE VIII.

Coasting trade.

Right to proceed from port to port.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another situated in the territories of either contracting party, the regulation of such navigation and trade being reserved, respectively by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port or ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outwards.

ARTICLE IX.

Lines of steam-vessels.

Equality of charges on vessels of steam-lines.

The Republic of Peru desiring to increase the intercourse along its coasts by means of steam navigation hereby engages to accord to any citizen or citizens of the United States who may establish a line of steam vessels to navigate regularly between the different ports of entry within the Peruvian territories, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage, specie and bullion, carrying the public mails, establishing depots for coal, erecting the necessary machine and work shops for repairing and refitting the steam vessels, and all other favors enjoyed by any other association or company whatsoever. It is furthermore understood between the two high contracting parties that the steam vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever. than those that are or may be paid by any other association or company.

ARTICLE X.

Nationality of Peruvian vessels, how established.

For the better understanding of the preceding articles, and taking into consideration the actual state of the commercial marine of Peru, it is stipulated and agreed that every vessel belonging exclusively to a citizen or citizens of the said republic and of which the captain is also a citizen of the same, though the construction or the crew is or may be foreign, shall be considered, for all of the objects of this treaty, as a Peruvian vessel.

ARTICLE XI.

The merchants, commanders or masters of vessels, and other citizens of either contracting party, shall be wholly free to manage their own business and affairs in all the ports and places within the jurisdiction of the other, or to commit their business and affairs, to the management of any person whom they may choose to appoint, as agent, factor, consignee, or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise and articles of commerce, as to the purchase of their returns, unloading, loading, and sending off their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise or articles of commerce imported into or to be exported from the territories of either contracting party, the regulations of commerce established in the respective countries being in every case duly observed.

Privileges of citizens of one nation in the territory of the other in business affairs.

ARTICLE XII.

The citizens of either of the high contracting parties shall have the full power and liberty to dispose of their personal and real estate and effects, of every kind and description, within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their heirs or representatives, being citizens of the other party, shall succeed to the said personal and real estate and effects, whether by testament or *ab intestato*, and may take possession of the same themselves or by others acting for them, and dispose of the same at their pleasure, paying such dues only as the citizens of the country wherein said estate and effects may be, shall be subject to pay in like cases.

Disposal of and succession to property.

ARTICLE XIII.

If any vessel belonging to the citizens of either of the high contracting parties should be wrecked, suffer damage, or be left derelict on or near the coasts, within the territories of the other, all assistance and protection shall be given to such vessel and her crew, and the vessel, or any part thereof, and all furniture and appurtenances belonging thereto, together with all the merchandise which shall be saved therefrom, or the produce thereof if sold, shall be faithfully restored to the owners or their agents they paying only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable, in like case, by national vessels, and it shall be permitted for them to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting in such case any duty, impost, or contribution whatever, provided the same be exported.

Shipwrecks.

ARTICLE XIV.

When through stress of weather want of water or provision, pursuit of enemies or pirates, the vessels of one of the high contracting parties, whether of war, (public or private) or of trade, or employed in fishing, shall be forced to seek shelter in the ports, rivers, bays and dominions of the other, they shall be received and treated with humanity: sufficient time shall be allowed for the com-

Vessels seeking refuge.

pletion of repairs: and while any vessel may be undergoing them, its cargo shall not unnecessarily be required to be landed either in whole or in part: all assistance and protection shall be given to enable the vessels to procure supplies, and to place them in a condition to pursue their voyage without obstacle or hindrance.

ARTICLE XV.

Property captured by pirates.

All vessels, merchandise and effects belonging to the citizens of either of the high contracting parties, which may be captured by pirates either on the high seas, or within the limits of its jurisdiction, and may be carried into or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners or their agents, they proving in due and proper form, their rights before the competent tribunals, it being understood that the claim thereto shall be made within two years, by the owners themselves, their agents, or agents of the respective Governments.

ARTICLE XVI.

Protection of persons and property.

Access to tribunals.

Employment of attorneys.

Imprisonment.

Examination after arrest.

Treatment of persons in prison.

The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other, of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdiction: they shall have free and open access to the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be: and they shall be at liberty to employ, in all causes, the advocates, attorneys, notaries or agents, of whatever description, whom they may think proper. The said citizens shall not be liable to imprisonment without formal commitment under a warrant signed by a legal authority, except in cases *flagrantis delicti;* and they shall in all cases be brought before a magistrate, or other legal authority for examination within twenty-four hours after arrest; and if not so examined the accused shall forthwith be discharged from custody. Said citizens, when detained in prison, shall be treated during their imprisonment with humanity, and no unnecessary severity shall be exercised toward them.

ARTICLE XVII.

Liberty of conscience and religion.

Right of burial.

It is likewise agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one or the other, without their being liable to be disturbed or molested on account of their religious belief so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XVIII.

The citizens of the United States of America and of the Republic of Peru may sail with their vessels, with entire freedom and security, from

any port to the ports or places of those who now are, or hereafter shall be, the enemies of either of the contracting parties, whoever may be the owners of the merchandise laden in the said vessels. The same citizens shall also be allowed to sail with their vessels, and to carry and traffic with their merchandise from the ports and places of the enemies of both parties, or of one of them, without any hindrance, not only to neutral ports and places, but also from one port belonging to an enemy to another enemy's port, whether they be under the jurisdiction of one power or of several. And it is agreed that free ships shall give freedom to goods, and that everything shall be deemed free which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading or a part thereof, should belong to the enemies of either, articles contraband of war being always excepted. The same liberty shall be extended to persons who may be on board free ships, so that said persons cannot be taken out of them, even if they be the enemies of both parties, or of one of them, unless they are officers or soldiers in the actual service of the enemy. It is agreed that the stipulations in this article declaring that the flag shall cover the property shall be understood as applying to those nations only who recognize this principle: but if either of the contracting parties shall be at war with a third, and the other shall remain neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not that of others.

Trading from enemy's ports.

Free ships make free goods.

Contraband ex cepted.

Protection of persons on vessels.

Application of stipulations.

ARTICLE XIX.

When the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the preceding article, neutral property found on board enemies' vessels shall likewise be considered as enemies' property, and shall be subject to detention and confiscation, unless it shall have been put on board before the declaration of war, or even afterwards, if it were done without knowledge of such declaration: but the contracting parties agree that ignorance cannot be alleged after the lapse of six months from the declaration of war. On the contrary, in those cases where the flag of the neutral does not protect enemies' property which may be found on board, the goods or merchandise of the neutral embarked in enemies' vessels shall be free.

When neutral's property is enemy's property.

When neutral's property is free on enemy's ships.

ARTICLE XX.

The liberty of commerce and navigation stipulated for in the preceding articles shall extend to all kinds of merchandise, except the articles called contraband of war, under which name shall be comprehended:

Articles contraband of war.

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, torpedoes, and everything belonging to the use of these arms.

2. Bucklers, helmets, breast-plates, coats of mail, accoutrements and clothes made up in military form, and for military use.

3. Cavalry belts and horses, with their harnesses.

4. And generally all offensive and defensive arms made of iron, steel, brass, copper, or of any other material, prepared and formed to make war by land or at sea.

ARTICLE XXI.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded: and to avoid all doubt in this particular, it is declared that those places only shall be considered as besieged or blockaded which are actually invested or attacked by a force capable of preventing the entry of the neutral.

Besieged and blockaded places.

ARTICLE XXII.

The articles of contraband or those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation; but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, or of so large bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this, and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

Detention of articles of contraband.

Detention of vessels carrying contraband.

ARTICLE XXIII.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after having been warned of such blockade or investment by a commanding officer of a vessel forming part of the blockading forces, she again attempts to enter; but she shall be permitted to go to any other port or place the master or supercargo may think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from leaving it with her cargo, nor if found therein before or after the reduction or surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution: but the owners thereof shall remain in the undisturbed possession of their property. And if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established and attempt to depart, she may be warned by the blockading forces to return to the blockaded port, and discharge the said cargo: and if, after receiving such warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as in the case of a vessel attempting to enter a blockaded port after having been warned off by the blockading forces.

Vessels to be turned away from blockaded port.

Vessel in a port before blockade.

Vessel found in a port on surrender.

Vessels attempting to leave blockaded port with cargo.

Article XXIV.

To prevent disorder and irregularity in visiting and examining the vessels and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other party, the former shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than may be necessary to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion violence or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property: for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board of the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

Visiting and search of vessels on high seas.

Security given by private armed.

Neutral party not required to go on board examining vessel for any purpose.

Article XXV.

Both contracting parties likewise agree that when one of them shall be engaged in war the vessels of the other must be furnished with sea-letters, patents, or passports, in which shall be expressed the name, burden of the vessel, and the name and place of residence of the owner and master, or captain thereof, in order that it may appear that the vessel really and truly belongs to citizens of the said other party. It is also agreed that such vessel, being laden, besides the said sea-letters, patents, or passports shall be provided with manifests or certificates containing the particulars of the cargo, and the place where it was taken on board, so that it may be known whether any part of the same consists of contraband or prohibited articles: which certificate shall be made out in the accustomed form by the authorities of the port whence the vessel sailed: without which requisites the vessel may be detained, to be adjudged by the competent tribunals, and may be declared good and legal prize, unless it shall be proved that the said defect or omission was owing to accident, or unless it shall be satisfied or supplied by testimony equivalent in the opinion of the said tribunals, for which purpose there shall be allowed a reasonable length of time to procure and present it.

Sea-letters; when to be used.

Manifests of cargo.

Treatment of vessels without sea-letters and manifests.

Article XXVI.

The preceding stipulations relative to the visit and examination of vessels shall apply only to those which sail without convoy: for when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag they carry, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Vessels sailing with convoy.

Article XXVII.

Prize courts and decrees.

It is further agreed that, in all prize cases, the courts specially established for such causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such courts of either party shall pronounce judgment against any vessel, merchandise, or property claimed by the citizens of the other party, the sentence or decree shall set forth the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings connected with the case, shall, if demanded, be delivered to the commander or agent of the said vessel, merchandise, or property, without any excuse or delay, upon payment of the established legal fees for the same.

Article XXVIII.

Letters of marque, when forbidden.

Whenever one of the contracting parties shall be engaged in war with another nation, no citizen of the other contracting party shall accept a commission, or letter of marque for the purpose of assisting or coöperating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

Article XXIX.

Mutual rights of residents in case of war.

If, which is not to be expected, a rupture should at any time take place between the two contracting nations, and they should engage in war with each other, they have agreed now for then, that the merchants, traders, and other citizens of all occupations of either of the two parties residing in the cities, ports and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property so long as they conduct themselves peaceably and properly, and commit no offense against the laws. And in case their acts should render them justly suspected, and having thus forfeited this privilege, the respective Governments should order them to leave the country, the term of twelve months from the publication or intimation of the order therefor shall be allowed them in which to arrange and settle their affairs, and remove with their families, effects, and property: to which end the necessary safe-conduct shall be given to them, which shall serve as a sufficient protection, until they arrive at the designated port and there embark, but this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, understood that the respective Governments may order the persons so suspected to remove, forthwith, to such places in the interior as may be designated.

Article XXX.

Exemption of property and debts from confiscation in time of war.

In the event of a war, or of any interruption of friendly intercourse between the high contracting parties, the money, private debts, shares in the public funds, or in the public or private banks, or any other property whatever, belonging to the citizens of the one party in the territories of the other, shall in no case be sequestrated or confiscated.

ARTICLE XXXI.

The high contracting parties, desiring to avoid all inequality in their public communications, and official intercourse, agree to grant to their envoys, ministers, chargés d'affaires and other diplomatic agents, the same favors, privileges, immunities and exemptions, that those of the most favored nation do or shall enjoy, it being understood that the favors privileges immunities and exemptions granted by the one party to the envoys, ministers, chargés d'affaires, or other diplomatic agents of the other party, or to those of any other nation, shall be reciprocally granted and extended to those of both the high contracting parties respectively.

Privileges and immunities of ministers.

ARTICLE XXXII.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Peru agree to admit and receive, mutually, consuls and vice-consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, privileges, and immunities of the consuls and vice-consuls of the most favored nation: but to enjoy the rights, prerogatives and immunities which belong to them in virtue of their public character, the consuls and vice-consuls shall, before exercising their official functions, exhibit to the Government to which they are accredited their commissions or patents in due form: in order to receive their exequatur, after receiving which they shall be acknowleged, in their official characters by the authorities, magistrates and inhabitants of the district in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places where the admission and residence of consuls and vice-consuls may not seem to be convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

Consuls, and their privileges and immunities.

ARTICLE XXXIII.

The consuls, vice-consuls, their officers and persons employed in their consulates shall be exempt from all public service, and from all kinds of taxes, imposts and contributions except those which they shall be lawfully held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being, in other respects subject to the laws of the respective countries. The archives and papers of the consulates shall be inviolably respected, and no person, magistrate, or other public authority shall, under any pretext, interfere with or seize them.

Exemptions of consuls. Inviolability of archives.

ARTICLE XXXIV.

The consuls and vice-consuls shall have power to require the assistance of the public authorities of the country in which they reside, for the arrest, detention and custody of deserters from the vessels of war or merchant-vessels of their nation; and where the deserters claimed shall belong to a merchant-vessel, the consuls or vice-consuls must address themselves to the competent authority, and

Deserters.

demand the deserters in writing, proving by the ship's roll, or other public document, that the individuals claimed are a part of the crew of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel of war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to indentify the deserters: and when the demand of the consuls, or vice-consuls, shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the consuls or vice-consuls, or, at the request of these, shall be put in the public prisons, and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong, or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority, or other persons within their respective dominions, to harbor or protect such deserters.

ARTICLE XXXV.

Consular convention to be formed.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare specially the powers, and immunities of the consuls and vice-consuls of the respective parties.

ARTICLE XXXVI.

Death of citizens of one nation in the territory of the other.

Until the conclusion of a consular convention the high contracting parties agree that, in the absence of the legal heirs or representatives, the consuls or vice-consuls of either party shall be *ex officio* the executors or administrators of the citizens of their nation who may die within their consular jurisdictions, and of their countrymen dying at sea, whose property may be brought within their district. The said consuls or vice-consuls shall call in a justice of the peace, or some other judicial authority, to assist in taking an inventory of the effects and property left by the deceased, after which the said effects shall remain in the hands of the said consuls or vice-consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their respective Governments. And where the deceased has been engaged in commerce or other business, the consuls or vice-consuls shall hold the effects and property so remaining until the expiration of twelve calendar months; during which time the creditors, if any, of the deceased shall have the right to present their claims and demands against the said effects and property, and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that, if no claim or demand shall have been made against the effects and property of an individual so deceased, the consuls or vice-consuls, at the expiration of the twelve calendar months, may close the estate, and dispose of the effects and property, in accordance with the instructions from their own Governments.

ARTICLE XXXVII.

As a consequence of the principles of equality herein established, in virtue of which the citizens of each one of the high contracting parties enjoy in the territory of the other, the same rights as natives, and receive from the respective Governments the same protection in their persons and property, it is declared that only in case that such protection should be denied, on account of the fact that the claims preferred have not been promptly attended to by the legal authorities, or that manifest injustice has been done by such authorities, and after all the legal means have been exhausted, then alone shall diplomatic intervention take place.

When claims shall become subjects of diplomatic intervention.

ARTICLE XXXVIII.

The United States of America and the Republic of Peru desiring to make as durable as possible the relations established between the two parties in virtue of this treaty of friendship, commerce and navigation, declare solemnly and agree as follows:

1st. The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof, and further until the end of one year after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at the end of the said term of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party, as above mentioned, this treaty shall altogether cease and terminate.

Duration of treaty.

2d. If any citizen or citizens of either party shall infringe any of the articles of this treaty, such citizen or citizens shall be held personally responsible therefor and the harmony and good understanding between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender or offenders, or to sanction such violation, under pain of rendering itself liable for the consequences thereof.

Infringement of treaty by citizens.

3d. Should, unfortunately, any of the provisions contained in the present treaty be violated or infringed in any other manner whatever, it is expressly stipulated and agreed that neither of the contracting parties shall order or authorize any act of reprisals, nor declare nor make war against the other, on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages verified by competent proofs, and demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

Reprisals and declarations of war.

4th. Nothing contained in this treaty shall however, be construed to operate contrary to former and existing public treaties with other nations or sovereigns.

Treaties with other nations not affected.

The present treaty of friendship, commerce and navigation shall be approved and ratified by the President of the United States by and with the advice and consent of the Senate thereof, and by the President of the Republic of Peru with the approbation of the Congress thereof, and the ratifications shall be exchanged at Washington or Lima within eighteen months from the date of the signature hereof, or sooner if possible.

Ratifications.

In faith whereof, we, the Plenipotentiaries of the United States of America, and of the Republic of Peru, have signed and sealed these presents.

Done at the city of Lima, in duplicate English and Spanish this the sixth day of September in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] ALVIN P. HOVEY.
[SEAL.] JOSÉ J. LOAYZA.

1870.*

CONVENTION FOR THE EXTRADITION OF CRIMINALS FUGITIVE FROM JUSTICE.

Concluded September 12, 1870; *ratifications exchanged at Lima May* 28, 1874; *proclaimed July* 27, 1874.

The United States of America and the Republic of Peru, having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a treaty for this purpose, and have named as their respective Plenipotentiaries, that is to say: the President of the United States of America has appointed Alvin P. Hovey, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near the Government of the Republic of Peru; and the President of Peru has appointed His Excellency Doctor José Loayza, Minister of Foreign Affairs of Peru; who, after having communicated to each other their respective full powers, found in good and true form, have agreed upon and concluded the following articles:

Negotiators.

ARTICLE I.

Extradition of criminals.

It is agreed that the contracting parties shall, on requisitions made in their name through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused or convicted of the crimes enumerated in Article II of the present treaty, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial if the crime had been there committed.

Proof of the crime.

ARTICLE II.

Persons shall be so delivered up who shall be charged, according to the provisions of this treaty, with any of the following crimes, whether as principals, accessories, or accomplices, to wit:

Crimes.

1. Murder, comprehending the crimes of parricide, assassination, poisoning, and infanticide.

2. Rape, abduction by force.

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* See Notes: "Abrogated, suspended, or obsolete treaties."

3. Bigamy.
4. Arson.
5. Kidnapping, defining the same to be the taking or carrying away of a person by force or deception.
6. Robbery, highway robbery, larceny.
7. Burglary, defined to be the action of breaking and entering by night-time into the house of another person with the intent to commit a felony.
8. Counterfeiting or altering money, the introduction or fraudulent commerce of and in false coin and money; counterfeiting the certificates or obligations of the Government, of bank-notes, and of any other documents of public credit, the uttering and use of the same; forging or altering judicial judgments or decrees of the Government or courts, of the seals, dies, postage-stamps, and revenue-stamps of the Government, and the use of the same; forging public and authentic deeds and documents, both commercial and of banks, and the use of the same.
9. Embezzlement of public moneys committed within the jurisdiction of either party by public officers or bailees, and embezzlement by any persons hired or salaried.
10. Fraudulent bankruptcy.
11. Fraudulent barratry.
12. Mutiny on board of a vessel, when the persons who compose the crew have taken forcible possession of the same or have transferred the ship to pirates.
13. Severe injuries intentionally caused on railroads, to telegraph lines, or to persons by means of explosion of mines or steam-boilers.
14. Piracy.

ARTICLE III.

The provisions of the present treaty shall not be applied in any manner to any crime or offense of a purely political character, nor shall the provisions of the present treaty be applied in any manner to the crimes enumerated in the second article committed anterior to the date of the exchange of the ratification hereof. Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty.

Persons cannot be extradited for political offenses and past crimes.

Neither nation to deliver its citizens.

ARTICLE IV.

The extradition will be granted in virtue of the demand made by the one Government on the other, with the remission of a condemnatory sentence, an order of arrest, or of any other process equivalent to such order, in which will be specified the character and gravity of the imputed acts, and the dispositions of the penal laws relative to the case. The documents accompanying the demand for extradition shall be originals or certified copies, legally authorized by the tribunals or by a competent person. If possible, there shall be remitted at the same time a descriptive list of the individual required, or any other proof towards his identity.

Requisitions for extradition; modes of procedure.

ARTICLE V.

If the person accused or condemned is not a citizen of either of the contracting powers, the Government granting the extradition will inform the Government of the country to which the accused or condemned may belong of the demand made, and if the last-named Government reclaims the individual on its own

When person demanded is not a citizen of either country.

account for trial in its own tribunals, the Government to which was made the demand of extradition may, at will, deliver the criminal to the State in whose territories the crime was committed, or to that to which the criminal belongs. If the accused or sentenced person whose extradition may be demanded, in virtue of the present convention, from one of the contracting parties, should at the same time be the subject of claims from one or other Governments simultaneously for crimes or misdemeanors committed in their respective territories, he or she shall be delivered up to that Government in whose territories the offense committed was of the gravest character; and when the offenses are of like nature and gravity, the delivery will be made to the Government making the first demand; and if the dates of the demands be the same, that of the nation of which the criminal may belong will be preferred.

When the accused is demanded by different governments.

ARTICLE VI.

If the person claimed is accused or sentenced in the country where he may have taken refuge, for a crime or misdemeanor committed in that country, his delivery may be delayed until the definitive sentence releasing him be pronounced, or until such time as he may have complied with the punishment inflicted on him in the country where he took refuge.

When extradition may be delayed.

ARTICLE VII.

In cases not admitting of delay, and especially in those where there is danger of escape, each of the two Governments, authorized by the order for apprehension, may, by the most expeditious means, ask and obtain the arrest of the person accused or sentenced, on condition of presenting the said order for apprehension as soon as may be possible, not exceeding four months.

Cases for summary proceedings.

ARTICLE VIII.

All expenses whatever of detention and delivery effected in virtue of the preceding provisions shall be borne and defrayed by the Government in whose name the requisition shall have been made.

Expenses.

ARTICLE IX.

This treaty shall commence from the date of the exchange of the ratifications, and shall continue in force until it shall be abrogated by the contracting parties or one of them; but it shall not be abrogated, except by mutual consent, unless the party desiring to abrogate it shall give twelve months' previous notice.

Duration of treaty.

ARTICLE X.

The present treaty shall be ratified in conformity with the constitutions of the two countries, and the ratifications shall be exchanged at the cities of Washington or Lima, within eighteen months from the date hereof, or sooner if possible.

Ratifications.

In witness whereof we, the Plenipotentiaries of the United States of America and the Republic of Peru, have signed and sealed these presents.

Done in the city of Lima, in duplicate, English and Spanish, this the twelfth day of September, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] ALVIN P. HOVEY.
[SEAL.] JOSÉ J. LOAYZA.

PORTUGAL.

1840.

TREATY OF COMMERCE AND NAVIGATION.

Concluded August 26, 1840; *ratifications exchanged at Washington, April* 23, 1841; *proclaimed April* 24, 1841.

In the Name of the Most Holy and Undivided Trinity.

The United States of America and Her Most Faithful Majesty the Queen of Portugal and of the Algarves, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States; of extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity based upon principles of equity equally beneficial to both countries; have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation; and they have appointed as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America, Edward Kavan[a]gh, their Chargé d'Affaires at the Court of Her Most Faithful Majesty; and Her Most Faithful Majesty, the most illustrious and most excellent John Baptist de Almeida Garrett, First Historiographer to her said Majesty, of her Council, Member of the Cortes, Knight of the ancient and most noble Order of the Tower an[d] Sword, Knight Commander of the Order of Christ, Officer of the Order of Leopold in Belgium, Judge of the Superior Court of Commerce, Envoy Extraordinary and and Minister Plenipotentiary to Her Catholic Majesty. Negotiators.

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

There shall be, between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The citizens and subjects of their respective States shall, mutually, have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is or shall be permitted. They shall be at liberty to sojourn and reside in all parts of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce. Reciprocal liberty of commerce and navigation.

ARTICLE II.

Vessels of other parts put on the footing of national vessels.

Vessels of the United States of America arriving, either laden or in ballast, in the ports of the Kingdom and possessions of Portugal; and, reciprocally, Portuguese vessels arriving, either laden or in ballast, in the ports of the United States of America, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage, light-house duties, pilotage, port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the Government, the local authorities, or of any public or private establishment, whatsoever.

ARTICLE III.

No discrimination in duties on account of nationality of imports.

No higher or other duties shall be imposed on the importation into the Kingdom and possessions of Portugal of any article the growth, produce, or manufacture of the United States of America; and no higher or other duties shall be imposed on the importation into the United States of America of any article the growth, produce, or manufacture of the Kingdom and possessions of Portugal, than such as are or shall be payable on the like article being the growth, produce, or manufacture of any other foreign country.

Nor shall any prohibition be imposed on the importation or exportation of any article the growth, produce, or manufacture of the United States of America, or of the Kingdom and possessions of Portugal, to or from the ports of the said Kingdom and possessions of Portugal, or of the said States, which shall not equally extend to all other foreign nations.

Discriminating duties to be imposed on exportations.

Nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States of America, or to the Kingdom of Portugal, respectively, than such as are payable on the exportation of the like articles to any other foreign country.

Provided however, that nothing contained in this article shall be understood, or intended, to interfere with the stipulation entered into by the United States of America, for a special equivalent, in regard to French wines, in the convention made by the said States and France, on the fourth day of July, in the year of our Lord one thousand eight hundred and thirty-one; which stipulation will expire, and cease to have effect, in the month of February, in the year of our Lord one thousand eight hundred and forty-two.

ARTICLE IV.

No discrimination in duties on imports on account of nationality of vessels importing same.

The same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation into the Kingdom and Possessions of Portugal, of any article the growth, produce, or manufacture of the United States of America, whether such importation shall be in vessels of the said States, or in Portuguese vessels; and, reciprocally, the same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation into the United States of America, of any article the growth, produce, or manufacture of the Kingdom and Possessions of Portugal, whether such importation shall be in Portuguese vessels, or in vessels of the said States.

ARTICLE V.

It is agreed by the high contracting parties that, whenever there may be lawfully imported into all or any of the ports of the Kingdom and Possessions of Portugal, in vessels of any foreign country, articles of the growth, produce, or manufacture of a country other than that to which the importing vessels shall belong, the same privilege shall immediately become common to vessels of the United States of America, with all the same rights and favors as may, in that respect, be granted to the most favored nation. And, reciprocally, in consideration thereof, Portuguese vessels shall thereafter enjoy, in the same respect, privileges, rights, and favors, to a correspondent extent, in the ports of the United States of America.

Most favored nation.

ARTICLE VI.

All kinds of merchandise and articles of commerce, which may be lawfully exported or re-exported from the ports of either of the high contracting parties to any foreign country, in national vessels, may also be exported or re-exported therefrom in vessels of the other party, respectively, without paying other or higher duties or charges, of whatever kind or denomination, than if the same merchandise or articles of commerce were exported or re-exported in national vessels.

And the same bounties and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one party or the other.

No discrimination in duties, drawbacks and bounties on exports on account of nationality of vessels exporting same.

ARTICLE VII.

It is expressly understood that nothing contained in this treaty shall be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

Coasting trade excepted.

ARTICE VIII.

It is mutually understood that the foregoing stipulations do not apply to ports and territories, in the Kingdom and possessions of Portugal, where foreign commerce and navigation are not admitted; and that the commerce and navigation of Portugal directly to and from the United States of America and the said ports and territories are also prohibited.

Foregoing stipulations not applicable to certain ports.

But Her Most Faithful Majesty agrees that, as soon as the said ports and territories, or any of them, shall be opened to the commerce or navigation of any foreign nation, they shall, from that moment, be also opened to the commerce and navigation of the United States of America, with the same privileges, rights, and favors as may be allowed to the most favored nation, gratuitously, if the concession was gratuitously made, or on allowing the same compensation or an equivalent if the concession was conditional.

Ports, when opened to any foreign nation, to be open to the United States.

ARTICLE IX.

Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in any of the rivers, bays, ports, or territories of the other, with their vessels, whether merchant or of war, through stress of weather, pursuit of pirates

Protection to vessels seeking refuge.

or enemies, they shall be received and treated with humanity, giving to them all favor, facility, and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle and hindrance of any kind.

ARTICLE X.

Consuls.

The two contracting parties shall have the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation. But before any Consul, Vice-Consul, Agent, or Commissary shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent.

Consuls engaging in commerce.

But, if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place, in respect of their commercial transactions.

Consuls violating the laws.

And it is hereby declared that, in case of offense against the laws, such Consul, Vice-Consul, Agent, or Commissary may either be punished according to law or be sent back, the offended Government assigning to the other reasons for the same.

Consular archives inviolable.

The archives and papers of the consulates shall be respected inviolably; and under no pretext whatever shall any magistrates seize or in any way interfere with them.

Disputes between Americans to be decided by Consul.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captains should disturb the order or the tranquillity or offend the laws of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported.

Contending parties may resort to judicial authorities.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authorities of their country.

ARTICLE XI.

Deserters.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country.

Application by consuls to governmental authorities.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand the said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall be made without delay.

Deserters, when arrested, how to be disposed of.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same

nation, or any other vessel whatsoever. But, if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offense, the surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XII.

The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases.

Power to dispose of personal goods.

And where, on the death of any person holding real estate within the territories of one of the high contracting parties, such real estate would, by the laws of the land, descend on a citizen or subject of the other party, who, by reason of alienage, may be incapable of holding it, he shall be allowed the time fixed by the laws of the country; and, in case the laws of the country actually in force may not have fixed any such time, he then shall be allowed a reasonable time to sell or otherwise dispose of such real estate, and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective Governments any other dues than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases.

In case of real estate, time allowed to sell the same.

ARTICLE XIII.

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation or an equivalent, *quam proximè*, where the grant is conditional.

Most favored nation privilege in navigation and commerce.

ARTICLE XIV.

The United States of America and Her Most Faithful Majesty, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties, by virtue of this treaty or general convention of reciprocal liberty of commerce and navigation, have declared solemnly and do agree to the following points:

1st. The present treaty shall be in force for six years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said term of six years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty shall altogether cease and terminate.

Duration of treaty.

2d. If any one or more of the citizens or subjects of either party shall infringe any of the articles of this treaty, such citizen or subject shall be held personally responsible for the same; and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Citizens personally responsible for a violation of this treaty.

3d. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorise any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

Reprisals not to be authorized, nor war declared.

4th. The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by Her Most Faithful Majesty, with the previous consent of the General Cortes of the nation, and the ratifications shall be exchanged, in the city of Washington, within eight months from the date hereof, or sooner if possible.

Ratifications.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in triplicate in the city of Libson, the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and forty.

[SEAL.] EDWARD KAVANAGH.
[SEAL.] JOÃO BAPTISTA DE ALMEIDA GARRETT.

1851.

TREATY PROVIDING FOR THE PAYMENT OF CERTAIN CLAIMS OF AMERICAN CITIZENS.

Concluded February 26, 1851; *ratifications exchanged at Lisbon June* 23, 1851; *proclaimed September* 1, 1851.

The United States of America and Her Most Faithful Majesty the Queen of Portugal and of the Algarves, equally animated with the desire to maintain the relations of harmony and amity which have always existed, and which it is desirable to preserve between the two powers, having agreed to terminate by a convention the pending questions between their respective Governments in relation to certain pecuniary claims of American citizens presented by the Government of the United States against the Government of Portugal, have appointed as their Plenipotentiaries for that purpose, to wit:

Negotiators.

The President of the United States of America, Daniel Webster, Secretary of State of said United States, and Her Most Faithful Majesty, J. C. de Figanière é Morão, of Her Council, Knight Commander of the Orders of Christ and of O. L. of Conception of Villa Viçoza, and Minister Resident of Portugal near the Government of the United States;

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

Payment to be made in full of claims.

Her Most Faithful Majesty the Queen of Portugal and of the Algarves, appreciating the difficulty of the two Governments agreeing upon the subject of said claims, from the difference of opinion entertained by them respectively, which difficulty might hazard the continuance of the good understanding now prevailing between them, and resolved to maintain the same unimpaired, has assented to pay to the Government of the United States a sum equivalent to the indemnities claimed for several American citizens, (with the exception of that mentioned in the fourth article,) and which sum the Government of the United States undertakes to receive in full satisfaction of said claims, except as aforesaid, and to distribute the same among the claimants.

ARTICLE II.

The case of the General Armstrong to be submitted to arbitration.

The high contracting parties, not being able to come to an agreement upon the question of public law involved in the case of the American privateer brig "General Armstrong," destroyed by British vessels in the waters of the island of Fayal, in September, 1814, Her Most Faithful Majesty has proposed, and the United States of America have consented, that the claim presented by the American Government, in behalf of the captain, officers, and crew of the said privateer, should be submitted to the arbitrament of a sovereign, potentate, or chief of some nation in amity with both the high contracting parties.

ARTICLE III.

Copies of all papers to be laid before arbiter, and his decision to be final.

So soon as the consent of the sovereign, potentate, or chief of some friendly nation, who shall be chosen by the two high contracting parties, shall have been obtained to act as arbiter in the aforesaid case of the privateer brig "General Armstrong," copies of all correspondence which has passed in reference to said claim between the two Governments and their respective representatives shall be laid before the arbiter, to whose decision the two high contracting parties hereby bind themselves to submit.

ARTICLE IV.

$91,727.00 to be paid for the other claims.

The pecuniary indemnities which Her Most Faithful Mafesty promises to pay, or cause to be paid, for all the claims presented previous to the 6th day of July, 1850, in behalf of American citizens, by the Government of the United States, (with the exception of that of the "General Armstrong,") are fixed at ninety-one thousand seven hundred and twenty-seven dollars, in accordance with the correspondence between the two Governments.

ARTICLE V.

Payment, how made.

The payment of the sum stipulated in the preceding article shall be made in Lisbon, in ten equal instalments, in the course of five years, to the properly-authorized agent of the United States. The first instalment of nine thousand one hundred and seventy-

two dollars seventy cents, with interest as hereinafter provided, (or its equivalent in Portuguese current money,) shall be paid, as aforesaid, on the 30th day of September of the current year of 1851, or earlier, at the option of the Portuguese Government; and at the end of every subsequent six months a like instalment shall be paid—the integral sum of ninety-one thousand seven hundred and twenty-seven dollars, or its equivalent, thus to be satisfied on or before the thirtieth day of September, 1856.

ARTICLE VI.

Interest.

It is hereby agreed that each and all of the said instalments are to bear, and to be paid with an interest of six per cent. per annum, from the date of the exchange of the ratifications of the present convention.

ARTICLE VII.

Ratifications.

This convention shall be approved and ratified, and the ratifications shall be exchanged in the city of Lisbon within four months after the date hereof, or sooner if possible.

In testimony whereof the respective Plenipotentiaries have signed the same, and affixed thereto the seals of their arms.

Done in the city of Washington, D. C., the twenty-sixth day of February, of the year of our Lord one thousand eight hundred and fifty-one.

[SEAL.] DAN'L WEBSTER.
[SEAL.] J. C. DE FIGANIÈRE E MORÃO.

PRUSSIA.

1785.

TREATY* OF AMITY AND COMMERCE.

Concluded September 10, 1785; *ratified by the Continental Congress May* 17, 1786; *ratifications exchanged at the Hague October*, 1786.

His Majesty the King of Prussia and the United States of America, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries, His Majesty and the United States have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement.

With this view, His Majesty the King of Prussia has nominated and constituted as his Plenipotentiary, the Baron Frederick William de Thulemeier, his Privy Counsellor of Embassy, and Envoy Extraordinary with their High Mightinesses the States-General of the United Netherlands; and the United States have, on their part, given full powers to John Adams, Esquire, late one of their Ministers Plenipotentiary for negotiating a peace, heretofore a Delegate in Congress from the State of Massachusetts, and Chief Justice of the same, and now Minister Plenipotentiary of the United States with His Britannic Majesty; Doctor Benjamin Franklin, late Minister Plenipotentiary at the Court of Versailles, and another of their Ministers Plenipotentiary for negotiating a peace; and Thomas Jefferson, heretofore a Delegate in Congress from the State of Virginia, and Governor of the said State, and now Minister Plenipotentiary of the United States at the Court of His Most Christian Majesty; which respective Plenipotentiaries, after having exchanged their full powers, and on mature deliberation, have concluded, settled, and signed the following articles:

Negotiators.

ARTICLE I.

There shall be a firm, inviolable, and universal peace and sincere friendship between His Majesty the King of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America and their citizens on the other, without exception of persons or places.

Declarations of amity.

* This treaty expired by its own limitation October, 1796, but the XII article is revived by the XII article of the treaty of May 1, 1828.

ARTICLE II.

Privileges of Prussian subjects trading to the United States.

The subjects of His Majesty the King of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandize; and shall pay within the said United States no other or greater duties, charges, or fees whatsoever, than the most favoured nations are or shall be obliged to pay: and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favoured nation does or shall enjoy; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the citizens of the United States, and the citizens and subjects of the most favoured nations.

ARTICLE III.

Reciprocal privilege to United States citizens trading to Prussia.

In like manner the citizens of the United States of America may frequent all the coasts and countries of His Majesty the King of Prussia, and reside and trade there in all sorts of produce, manufactures, and merchandize; and shall pay in the dominions of his said Majesty no other or greater duties, charges, or fees whatsoever than the most favoured nation is or shall be obliged to pay: and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favoured nation does or shall enjoy; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the subjects of His Majesty the King of Prussia, and the subjects and citizens of the most favoured nations.

ARTICLE IV.

Regulation of commercial intercourse.

More especially each party shall have a right to carry their own produce, manufactures, and merchandize in their own or any other vessels to any parts of the dominions of the other, where it shall be lawful for all the subjects or citizens of that other freely to purchase them; and thence to take the produce, manufactures, and merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell them, paying in both cases such duties, charges, and fees only as are or shall be paid by the most favoured nation. Nevertheless, the King of Prussia and the United States, and each of them, reserve to themselves the right, where any nation restrains the transportation of merchandize to the vessels of the country of which it is the growth or manufacture, to establish against such nations restaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandize whatsoever, when reasons of state shall require it. In this case, the subjects or citizens of either of the contracting parties shall not import nor export the merchandize prohibited by the other; but if one of the contracting parties permits any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

ARTICLE V.

Loading and unloading vessels.

The merchants, commanders of vessels, or other subjects or citizens of either party, shall not within the ports of jurisdiction of the other be forced to unload any sort of merchandize into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

Article VI.

Goods to be examined before loaded, and not after, unless in case of fraud

That the vessels of either party loading within the ports or jurisdiction of the other may not be uselessly harassed or detained, it is agreed that all examinations of goods required by the laws shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is; but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

Article VII.

Protection of property within the jurisdiction of each party.

Each party shall endeavour, by all the means in their power, to protect and *desend* [defend] all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which shall be taken from them within the extent of their said jurisdiction.

Article VIII.

Treatment of vessels coming on the coast, or entering a port, without wishing to break bulk.

The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges, or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges, and fees shall be the same, and shall be paid on the same footing as in the case of subjects or citizens of the country where they are established.

Article IX.

Shipwrecks.

When any vessel of either party shall be wrecked, foundered, or otherwise damaged on the coasts, or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair shall require that the whole or any part of their cargo be unladed, they shall pay no duties, charges, or fees on the part which they shall relade and carry away. The antient and barbarous right to wrecks of the sea shall be entirely abolished, with respect to the subjects or citizens of the two contracting parties.

ARTICLE X.

Personal estates may be disposed of by will or otherwise.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, and for so long a time as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proce[e]ds without molestation, and exempt from all rights of detraction on the part of the Government of the respective States. But this article shall not derogate in any manner from the force of the laws already published or hereafter to be published, by His Majesty the King of Prussia, to prevent the emigration of his subjects.

Inherited real estate, how disposed of.

ARTICLE XI.

Freedom of conscience and worship. Right of burial.

The most perfect freedom of conscience and of worship is granted to the citizens or subjects of either party within the jurisdiction of the other, without being liable to molestation in that respect for any cause other than an insult on the religion of others. Moreover, when the subjects or citizens of the one party shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying-grounds or other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XII.

Liberty for either party to trade with a nation at war with the other.

If one of the contracting parties should be engaged in war with any other Power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent Powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on bourd a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

Free ships make free goods.

Article XIII.

Contraband goods intended for an enemy not to be confiscated, but may be detained.

And in the same case of one of the contracting parties being engaged in war with any other Power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize heretofore called contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors: And it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

Article XIV.

Vessels to be furnished with sea-letters or passports in time of war.

And in the same case where one of the parties is engaged in war with another Power, that the vessels of the neutral party may be readily and certainly known, it is agreed that they shall be provided with sea-letters or passports, which shall express the name, the property, and burthen of the vessel, as also the name and dwelling of the master; which passports shall be made out in good and due forms, (to be settled by conventions between the parties whenever occasion shall require,) shall be renewed as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the said vessel be under convoy of one or more vessels of war belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

Article XV.

How vessels are to be treated when met by ships of war or privateers.

And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon-shot of the said neutral vessel, nor send more than two or three men in their boat on board the same, to examine her sea-letters or passports. And all persons belonging to any vessel of war, public or private, who shall molest or injure in any manner whatever the people, vessels, or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

Article XVI.

Vessels not to be detained.

It is agreed that the subjects or citizens of each of the contracting parties, their vessels and effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition, or other public or private purpose whatsoever. And in all cases of seizure, detention, or arrest for debts contracted or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

Article XVII.

When recaptured, vessels shall be restored to rightful owner.

If any vessel or effects of the neutral Power be taken by an enemy of the other, or by a pirate, and retaken by that other, they shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due proof shall be made concerning the property thereof.

Article XVIII.

Vessels taking refuge in ports shall be protected.

If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accident, shall take refuge with their vessels or effects, within the harbours or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, hea[l]th, and accommodation, and for the repair of their vessels.

Article XIX.

Vessels of war may carry prizes, &c. to the ports of each nation.

The vessels of war, public and private, of both parties, shall carry freely wheresoever they please the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to shew. But no vessel which shall have made prises on the subjects of His Most Christian Majesty the King of France shall have a right of asylum in the ports or havens of the said United States; and if any such be forced therein by tempest or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said Most Christian Majesty and the said United States.

Article XX.

Subjects of one party shall not take commissions or letters of marque from the enemy of the other.

No citizen or subject of either of the contracting parties shall take from any Power with which the other may be at war any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give any part of their naval or military force to the enemy of the other, to aid them offensively or defensively against that other.

Article XXI.

If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them:

1. If a vessel of one of the parties retaken by a privateer of the other shall not have been in possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one-third of the value of the vessel and cargo; but if she shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the recaptor. Rules applicable to the prosecution of war against a common enemy.

2. If in the same case the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one-thirtieth part of the value of the vessel and cargo, if she shall not have been in possession of the enemy more than twenty-four hours, and one-tenth of the said value where she shall have been longer; which sums shall be distributed in gratuities to the recaptors.

3. The restitution in the cases aforesaid shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

4. The vessels of war, public and private, of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each; but the said prizes shall not be discharged nor sold there, until their legality shall have been decided, according to the laws and regulations of the States to which the captor belongs, but by the judicatures of the place into which the prize shall have been conducted.

5. It shall be free to each party to make such regulations as they shall judge necessary for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

Article XXII.

Where the parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall upon all occasions take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are. The ships of war of one party shall protect the vessels of the other when both are neutral or have a common enemy.

Article XXIII.

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance. And all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. And all merchant and trading In case of war nine months to be allowed merchants to settle their affairs.

vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniencies, and comforts of human life more easy to be obtained, and *and* more general, shall be allowed to pass free and unmolested; and neither of the contracting Powers shall grant or issue any commision to any private armed vessels, empowering them to take or destroy such trading vessels or interrupt such commerce.

No commission to be granted to private armed vessels

Article XXIV.

And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to each other and to the world that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East Indies, or any other parts of Asia or Africa, but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomly and good as are provided by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are with as many rations, and of the same articles and quality as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustement of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with, or set off against any others, nor the ballances due on them be witheld as a satisfaction or reprisal for any other article or for any other cause, real or pretended, whatever; that each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall breack his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer or other prisoner shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature or nations.

Prisoners of war.

Article XXV.

The two contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, whose functions shall be regulated by particular agreement whenever either party

Consuls.

shall chuse to make such appointment; but if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

ARTICLE XXVI.

If either party shall hereafter grant to any other nation, any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yeilding the compensation, where such nation does the same. Most favored nation.

ARTICLE XXVII.

His Majesty the King of Prussia and the United States of America agree that this treaty shall be in force during the term of ten years from the exchange of ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall re-establish peace; and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature. Duration of treaty. Ratifications.

In testimony whereof the Plenipotentiaries before mentioned, have hereto subscribed their names and affixed their seals, at the places of their respective residence, and at the dates expressed under their several signatures.

[SEAL.] B. FRANKLIN.
Passy, July 9, 1785.

[SEAL.] TH: JEFFERSON.
Paris, July 28, 1785.

[SEAL.] JOHN ADAMS.
London, August 5, 1785.

[SEAL.] F. G. DE THULEMEIER.
A la Haye le 10 *Septembre*, 1785.

1799.

TREATY* OF AMITY AND COMMERCE.

Concluded, July 11, 1799; *ratifications exchanged at Berlin June* 22, 1800; *proclaimed November* 4, 1800.

His Majesty the King of Prussia and the United States of America, desiring to maintain upon a stable and permanent footing the connections of good understanding which have hitherto so happily subsisted between their respective States, and for this purpose to renew the treaty of amity and commerce concluded between the two Powers at the

* This treaty expired by its own limitation June 22, 1810, but articles XIII to XXIV, inclusive, with the exception of the last paragraph in the XIX article relating to treaties with Great Britain, are revived by the XII article of the treaty of May 1, 1828.

Hague the 10th of September, 1785, for the term of ten years, His Prussian Majesty has nominated and constituted as his Plenipotentiaries the Count Charles William de Finkenstein, his Minister of State, of War, and of the Cabinet, Knight of the Orders of the Black Eagle and of the Red Eagle, and Commander of that of St. John of Jerusalem, the Baron Philip Charles d'Alvensleben, his Minister of State, of War, and of the Cabinet, Knight of the Orders of the Black Eagle and of the Red Eagle, and of that of St. John of Jerusalem, and the Count Christian Henry Curt de Haugwitz, his Minister of State, of War, and of the Cabinet, Knight of the Orders of the Black Eagle and of the Red Eagle; and the President of the United States has furnished with their full powers John Quincy Adams, a citizen of the United States, and their Minister Plenipotentiary at the Court of His Prussian Majesty; which Plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded, settled, and signed the following articles:

Negotiators.

ARTICLE I.

There shall be in future, as there has been hitherto, a firm, inviolable, and universal peace and a sincere friendship between His Majesty the King of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America and their citizens on the other, without exception of persons or places.

Declaration of amity.

ARTICLE II.

The subjects of His Majesty the King of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandize, and shall pay there no other or greater duties, charges, or fees whatsoever than the most favoured nations are or shall be obliged to pay. They shall also enjoy in navigation and commerce all the rights, privileges, and exemptions which the most favoured nation does or shall enjoy, submitting themselves, nevertheless, to the e[s]tablished laws and usages to which are submitted the citizens of the United States and the most favoured nations.

Privileges of Prussian subjects trading to the United States.

ARTICLE III.

In like manner, the citizens of the United States of America may frequent all the coasts and countries of His Majesty the King of Prussia, and reside and trade there in all sorts of produce, manufactures, and merchandize, and shall pay, in the dominions of his said Majesty, no other or greater duties, charges, or fees whatsoever than the most favoured nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favoured nation does or shall enjoy, submitting themselves, nevertheless, to the established laws and usages to which are submitted the subjects of His Majesty the King of Prussia and the subjects and the citizens of the most favoured nations.

Reciprocal privileges to United States citizens trading to Prussia.

ARTICLE IV.

More especially, each party shall have a right to carry their own produce, manufactures, and merchandize, in their own or any other vessels,

to any parts of the dominions of the other, where it shall be lawful for all the subjects and citizens of that other freely to purchase them, and thence to take the produce, manufactures, and merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell to them, paying in both cases such duties, charges, and fees only, as are or shall be paid by the most favoured nation. Nevertheless, His Majesty the King of Prussia and the United States respectively reserve to themselves the right, where any nation restrains the transportation of merchandize to the vessells of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit in their respective countries the importation and exportation of all merchandize whatsoever, when reasons of state shall require it. In this case the subjects or citizens of either of the contracting parties shall not import or export the merchandize prohibited by the other. But if one of the contracting parties permits any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

Regulation of commercial intercourse.

Article V.

The merchants, commanders of vessels, or other subjects or citizens of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandize into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

Lading and unlading vessels.

Article VI.

That the vessels of either party, loading within the ports or jurisdiction of the other, may not be uselessly harassed, or detained, it is agreed, that all examinations of goods, required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is, but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

Goods to be examined before loaded and not after, unless in case of fraud.

Article VII.

Each party shall endeavour by all the means in their power to protect and defend all vessels and other effects, belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land; and shall use all their efforts to recover and cause to be restored to the right owners their vessels and effects, which shall be taken from them within the extent of their said jurisdiction.

Protection of property within the jurisdiction of each party.

Article VIII.

The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or who entering into port are not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage without molestation, and without being

Vessels coming on the coast or entering a port without wishing to break bulk.

obliged to render account of their cargo, or to pay any duties, charges, or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges, and fees shall be the same, and shall be paid on the same footing, as in the case of subjects or citizens of the country where they are established.

ARTICLE IX.

Shipwrecks.

When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair shall require that the whole or any part of the cargo be unladed, they shall pay no duties, charges, or fees on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the subjects or citizens of the two contracting parties.

ARTICLE X.

Personal estates may be disposed of by will or otherwise.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the goods of a native in like case, untill the lawfull owner may take measures for receiving them. And if question should arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are.

Inherited real estate, how disposed of.

And where, on the death of any person, holding real estate, within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds, without molestation, and exempt from all rights of detraction on the part of the Government of the respective States. But this article shall not derogate in any manner from the force of the laws already published or hereafter to be published by His Majesty the King of Prussia, to prevent the emigration of his subjects.

ARTICLE XI.

Freedom of conscience and worship.

The most perfect freedom of conscience and of worship is granted to the citizens or subjects of either party within the jurisdiction of the other, and no person shall be molested in that respect for any cause other than an insult on the religion of others. Moreover,

when the subjects or citizens of the one party shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying-grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

Article XII.

Experience having proved, that the principle adopted in the twelfth article of the treaty of 1785, according to which free ships make free goods, has not been sufficiently respected during the two last wars, and especially in that which still continues, the two contracting parties propose, after the return of a general peace, to agree, either separately between themselves or jointly with other Powers alike interested, to concert with the great maritime Powers of Europe such arrangements and such permanent principles as may serve to consolidate the liberty and the safety of the neutral navigation and commerce in future wars. And if in the interval either of the contracting parties should be engaged in a war to which the other should remain neutral, the ships of war and privateers of the belligerent Power shall conduct themselves towards the merchant vessels of the neutral Power as favourably as the course of the war then existing may permit, observing the principles and rules of the law of nations generally acknowledged.

Free ships make free goods.

Article XIII.

And in the same case of one of the contracting parties being engaged in war with any other Power, to prevent all the difficulties and misunderstandings that usually arise respecting merchandise of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of either party, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

Contraband goods intended for an enemy not to be confiscated but may be detained.

All cannons, mortars, fire-arms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpetre, sulphur, cuirasses, pikes, swords, belts, cartouch boxes, saddles and bridles, beyond the quantity necessary for the use of the ship, or beyond that which every man serving on board the vessel, or passenger, ought to have; and in general whatever is comprised under the denomination of arms and military stores, of what description soever, shall be deemed objects of contraband.

Contraband.

ARTICLE XIV.

Vessels to be furnished with sea-letters or passports in time of war.

To ensure to the vessels of the two contracting parties the advantage of being readily and certainly known in time of war, it is agreed that they shall be provided with the sea-letters and documents hereafter specified :

1. A passport, expressing the name, the property, and the burthen of the vessel, as also the name and dwelling of the master, which passport shall be made out in good and due form, shall be renewed as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the vessel be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

2. A charter-party, that is to say, the contract passed for the freight of the whole vessel, or the bills of lading given for the cargo in detail.

3. The list of the ship's company, containing an indication by name and in detail of the persons composing the crew of the vessel. These documents shall always be authenticated according to the forms established at the place from which the vessel shall have sailed.

As their production ought to be exacted only when one of the contracting parties shall be at war, and as their exhibition ought to have no other object than to prove the neutrality of the vessel, its cargo, and company, they shall not be deemed absolutely necessary on board such vessels belonging to the neutral party as shall have sailed from its ports before or within three months after the Government shall have been informed of the state of war in which the belligerent party shall be engaged. In the interval, in default of these specific documents, the neutrality of the vessel may be established by such other evidence as the tribunals authorised to judge of the case may deem sufficient.

ARTICLE XV.

How vessels are to be treated when met by ships of war or privateers.

And to prevent entirely all disorder and violence in such cases, it is stipulated that, when the vessels of the neutral party, sailing without convoy, shall be met by any vessels of war, public or private, of the other party, such vessel of war shall not send more than two or three men in their boat on board the said neutral vessel to examine her passports and documents. And all persons belonging to any vessel of war, public or private, who shall molest or insult in any manner whatever, the people, vessels, or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

ARTICLE XVI.

Embargoes.

In times of war, or in cases of urgent necessity, when either of the contracting parties shall be obliged to lay a general embargo, either in all its ports, or in certain particular places, the vessels of the other party shall be subject to this measure, upon the same footing as those of the most favoured nations, but without having the right to claim the exemption in their favour stipulated in the sixteenth article of the former treaty of 1785. But on the other hand, the

proprietors of the vessels which shall have been detained, whether for some military expedition, or for what other use soever, shall obtain from the Government that shall have employed them an equitable indemnity, as well for the freight as for the loss occasioned by the delay. And furthermore, in all cases of seizure, detention, or arrest, for debts contracted or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

Seizures, detentions, and arrests to be made in due course of law only.

ARTICLE XVII.

If any vessel or effects of the neutral Power be taken by an enemy of the other, or by a pirate, and retaken by the Power at war, they shall be restored to the first proprietor, upon the conditions hereafter stipulated in the twenty-first article for cases of recapture.

When recaptured vessels shall be restored to owner.

ARTICLE XVIII.

If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accidents, shall take refuge, with their vessels or effects, within the harbours or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, health, and accom[m]odation, and for the repair of their vessels.

Vessels taking refuge in ports shall be protected.

ARTICLE XIX.

The vessels of war, public and private, of both parties, shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to shew. But, conformably to the treaties existing between the United States and Great Britain, no vessel that shall have made a prize upon British subjects shall have a right to shelter in the ports of the United States, but if forced therein by tempests, or any other danger or accident of the sea, they shall be obliged to depart as soon as possible.

Vessels of war may carry prizes into the ports of each nation.

ARTICLE XX.

No citizen or subject of either of the contracting parties shall take from any Power with which the other may be at war any commission or letter of marque, for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give any part of its naval or military force to the enemy of the other, to aid them offensively or defensively against the other.

Subjects of one party shall not take commissions or letters of marque from the enemy of the other.

ARTICLE XXI.

Rules applicable to the prosecution of war against a common enemy.

If the two contracting parties should be engaged in a war against a common enemy, the following points shall be observed between them:

1. If a vessel of one of the parties, taken by the enemy, shall, before being carried into a neutral or enemy's port, be retaken by a ship of war or privateer of the other, it shall, with the cargo, be restored to the first owners, for a compensation of one-eighth part of the value of the said vessel and cargo, if the recapture be made by a public ship of war, and one-sixth part, if made by a privateer.

2. The restitution in such cases shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

3. The vessels of war, public and private, of the two parties, shall reciprocally be admitted with their prizes into the respective ports of each, but the said prizes shall not be discharged or sold there, until their legality shall have been decided according to the laws and regulations of the State to which the captor belongs, but by the judicatories of the place into which the prize shall have been conducted.

4. It shall be free to each party to make such regulations as they shall judge necessary, for the conduct of their respective vessels of war, public and private, relative to the vessels, which they shall take, and carry into the ports of the two parties.

ARTICLE XXII.

The ships of war of one party shall protect the vessels of the other when both are neutral or have a common enemy.

When the contracting parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall upon all occasions take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

ARTICLE XXIII.

In case of war nine months to be allowed merchants to settle their affairs.

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance: and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.

ARTICLE XXIV.

Prisoners of war.

And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to the world and to each other that they

will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East Indies or any other parts of Asia or Africa, but that they shall be placed in some parts of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomly and good as are provided by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are with as many rations, and of the same articles and quality as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they shall allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with or set off against any others, nor the balances due on them be withheld as a satisfaction or reprizal for any other article or for any other cause, real or pretended, whatever. That each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment after they shall have been designated to him, such individual officer or other prisoner shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

Article XXV.

The two contracting parties have granted to each other the liberty of having each in the ports of the other Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favoured nations; but if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place. Consuls.

Article XXVI.

If either party shall hereafter grant to any other nation any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional. Most favored nation.

ARTICLE XXVII.

Duration of treaty.

His Majesty the King of Prussia and the United States of America agree that this treaty shall be in force during the term of ten years from the exchange of the ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war shall continue in force until the conclusion of the treaty which shall restore peace.

Ratifications

This treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature, or sooner if possible.

In testimony whereof, the Plenipotentiaries before mentioned have hereto subscribed their names and affixed their seals. Done at Berlin the eleventh of July, in the year one thousand seven hundred and ninety-nine.

[SEAL.] JOHN QUINCY ADAMS.
[SEAL.] CHARLES WILLIAM COMTE DE FINKENSTEIN.
[SEAL.] PHILIPPE CHARLES D'ALVENSLEBEN.
[SEAL.] CHRETIEN HENRI CURCE COMTE DE HAUGWIZ.

1828.

TREATY OF COMMERCE AND NAVIGATION.

Concluded May 1, 1828; *ratifications exchanged at Washington March* 14 1829; *proclaimed March* 14, 1829.

The United States of America and His Majesty the King of Prussia, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them, and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, and applicable in time of peace as well as in time of war, have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of navigation and commerce; for which purpose the President of the United States has conferred full powers on Henry Clay, their Secretary of State; and His Majesty the King of Prussia has conferred like powers on the Sieur Ludwig Niederstetter, Chargé d'Affaires of His said Majesty, near the United States; and the said Plenipotentiaries, having exchanged their said full powers, found in good and due form, have concluded and signed the following articles:

Negotiators.

ARTICLE I.

Reciprocal liberty of commerce.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty, to sojourn and reside in all parts whatsoever of said territories, in order

to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

ARTICLE II.

Prussian vessels arriving either laden or in ballast in the ports of the United States of America, and, reciprocally, vessels of the United States arriving either laden or in ballast in the ports of the Kingdom of Prussia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, salvage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

No discrimination in duties on vessels.

ARTICLE III.

All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the Kingdom of Prussia, in Prussian vessels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Prussian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the Kingdom of Prussia, or of any other country, which may be lawfully imported into the ports of the United States in vessels of the said States, may also be so imported in Prussian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

No discrimination in duties on imports on account of nationality of vessels importing same.

ARTICLE IV.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles are to their full extent applicable to Prussian vessels and their cargoes arriving in the ports of the United States of America, and, reciprocally, to vessels of the said States and their cargoes, arriving in the ports of the Kingdom of Prussia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

The above provision further explained.

ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Prussia, and no higher or other duties shall be imposed on the importation into the Kingdom of Prussia of any article the produce or manufacture of the United States, than are

No discrimination in duties on account of nationality of imports.

or shall be payable on the like article being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of Prussia, to or from the ports of the United States, or to or from the ports of Prussia, which shall not equally extend to all other nations.

ARTICLE VI.

No discrimination in duties on exports on account of nationality of vessels exporting same.

All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported from the ports of the said United States in national vessels, may also be exported therefrom in Prussian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the Kingdom of Prussia, so that all kind of merchandise and articles of commerce, either the produce of the soil or the industry of the said Kingdom, or of any other country, which may be lawfully exported from Prussian ports in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in Prussian vessels.

ARTICLE VII.

Coastwise navigation excepted.

The preceding articles are not applicable to the coastwise navigation of the two countries, which is respectively reserved by each of the high contracting parties exclusively to itself.

ARTICLE VIII.

Neither party to give any preference to goods on account of the importing bottom.

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf or under their authority, in the purchase of any article of commerce, lawfully imported, on account of or in reference to the character of the vessel, whether it be of the one party or of the other, in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE IX.

Most favored nation.

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

ARTICLE X.

The two contracting parties have granted to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place. Consuls.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country. Jurisdiction of Consuls.

ARTICLE XI.

The said Consuls, Vice-Consuls, and Commercial Agents are authorised to require the assistance of the local authorities, for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and, on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect. Application by Consuls to governmental authorities. Deserters.

ARTICLE XII.

The twelfth article of the treaty of amity and commerce, concluded between the parties in 1785, and the articles from the thirteenth to the twenty-fourth, inclusive, of that which was concluded at Berlin in 1799, with the exception of the last paragraph in the nineteenth article, relating to treaties with Great Britain, are hereby revived with the same force and virtue as if they made part of the context of the present treaty, it being, however, understood that the stipulations contained in the articles thus revived shall Certain stipulations in former treaties revived.

be always considered as in no manner affecting the treaties or conventions concluded by either party with other Powers, during the interval between the expiration of the said treaty of 1799, and the commencement of the operation of the present treaty.

Security of neutral navigation to be the subject of future treaty.

The parties being still desirous, in conformity with their intention declared in the twelfth article of the said treaty of 1799, to establish between themselves, or in concert with other maritime Powers, further provisions to ensure just protection and freedom to neutral navigation and commerce, and which may, at the same time, advance the cause of civilization and humanity, engage again to treat on this subject at some future and convenient period.

ARTICLE XIII.

Vessels entering blockaded ports.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learnt, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

ARTICLE XIV.

Personal estates may be disposed of by will or otherwise.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the goods of a native, in like case, until the lawful owner may take measures for receiving them. And if question should arise among several claimants to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation and exempt from all duties of detraction, on the part of the Government of the respective States. But this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published by His Majesty the King of Prussia, to prevent the emigration of his subjects.

Inherited real estate, how disposed of.

ARTICLE XV.

The present treaty shall continue in force for twelve years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period, neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of the twelve months, which will follow a similar notification, whatever the time at which it may take place. Duration of treaty.

ARTICLE XVI.

This treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Prussia, and the ratifications shall be exchanged in the city of Washington, within nine months from the date of the signature hereof, or sooner if possible. Ratifications.

In faith whereof the respective Plenipotentiaries have signed the above articles, both in the French and English languages, and they have thereto affixed their seals; declaring, nevertheless, that the signing in both languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done in triplicate at the city of Washington on the first day of May, in the year of our Lord one thousand eight hundred and twenty-eight, and the fifty-second of the Independence of the United States of America.

[SEAL.] H. CLAY.
[SEAL.] LUDWIG NIEDERSTETTER.

1852.

CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVES FROM JUSTICE, WITH PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION.

Concluded June 16, 1852; *ratifications exchanged at Washington May* 30, 1853; *proclaimed June* 1, 1853.

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, and also to enumerate such crimes explicitly; and whereas the laws and constitution of Prussia, and of the other German States, parties to this convention, forbid them to surrender their own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States: Therefore, on the one part, the United States of America, and, on the other part, His Majesty the King of Prussia, in his own name, as well as in the name of His Majesty the King of Saxony, His Royal Highness the Elector of Hesse, His Royal Highness the Grand Duke of Hesse and on Rhine, His Royal Highness the Grand Duke of

Saxe-Weimar-Eisenach, His Highness the Duke of Saxe-Meiningen, His Highness the Duke of Saxe-Altenburg, His Highness the Duke of Saxe-Coburg-Gotha, His Highness the Duke of Brunswick, His Highness the Duke of Anhalt-Dessau, His Highness the Duke of Anhalt-Bernburg, His Highness the Duke of Nassau, His Serene Highness the Prince Schwarzburg-Rudolstadt, His Serene Highness the Prince of Schwarzburg-Sondershausen, Her Serene Highness the Princess and Regent of Waldeck, His Serene Highness the Prince of Reuss, elder branch, His Serene Highness the Prince of Reuss, junior branch, His Serene Highness the Prince of Lippe, His Serene Highness the Landgrave of Hesse-Homburg, as well as the free city of Francfort, having resolved to treat on this subject, have for that purpose appointed their respective Plenipotentiaries to negotiate and conclude a convention, that is to say:

Negotiators.

The President of the United States of America, Daniel Webster, Secretary of State, and His Majesty the King of Prussia in his own name, as well as in the name of the other German Sovereigns above enumerated, and the free city of Francfort, Frederic Charles Joseph von Gerolt, his said Majesty's Minister Resident near the Government of the United States;

Who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

ARTICLE I.

Crimes.

Proceedings before surrender.

It is agreed that the United States and Prussia, and the other States of the Germanic Confederation included in or which may hereafter accede to this convention, shall upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE II.

Other States may accede hereto.

The stipulations of this convention shall be applied to any other State of the Germanic Confederation which may hereafter declare its accession thereto.

ARTICLE III.

None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention. Neither nation to deliver its citizens.

ARTICLE IV.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof. Offences in country of asylum.

ARTICLE V.

The present convention shall continue in force until the 1st of January, 1858, and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other, at any time after the expiration of the said first day of January, 1858. Duration of treaty.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Prussia, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible. Ratifications.

In faith whereof we, the respective Plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done in triplicate at Washington, the sixteenth day of June, one thousand eight hundred and fifty-two, and the seventy-sixth year of the Independence of the United States.

[SEAL.] DAN'L WEBSTER.
[SEAL.] FR. V. GEROLT.

By the President of the United States of America.

A PROCLAMATION.

Whereas it is provided by the second article of the convention of the 16th of June, 1852, between the United States and Prussia and other States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice, in certain cases, that the stipulations of that convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto;

And whereas the Free Hanseatic city of Bremen has declared its accession to the said convention, and the exchange of the said declaration for my acceptance of the same was made at Washington on the 11th instant, by Rudolph Schleiden, Minister Resident of the said Free Hanseatic city of Bremen, and William L. Marcy, Secretary of State of the United States, on behalf of their respective governments: Bremen.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the

stipulations of the said convention may be observed and fulfilled with good faith in respect to the Free Hanseatic city of Bremen by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at Washington the fifteenth day of October, in the year of our Lord one thousand eight hundred and fifty-three, and of the Independence of the United States the seventy-eighth.

[SEAL.] FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

[Notice of the accession of the Governments of Mecklenburg-Schwerin, Mecklenburg-Strelitz, Oldenburg, Schaumburg-Lippe, and Würtemburg to the foregoing convention of June 16, 1852, with Prussia and other States of the Germanic Confederation, and to the additional article thereto of November 16, 1852, with the date of such accession, and that of the proclamation of the fact by the President, will be found under the names of the respective States in their alphabetical order.]

ROUMANIA.

1881.

CONVENTION CONCERNING THE RIGHTS AND PRIVILEGES OF CONSULS

Concluded June 17, 1881; *ratifications exchanged at Bucharest June* 13, 1883; *proclaimed July* 9, 1883.

The United States of America and His Majesty the King of Roumania, being mutually desirous of defining the rights, privileges and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose, and have accordingly named as their plenipotentiaries:

The United States of America, Eugene Schuyler, their Chargé d'Affaires and Consul-General; His Majesty the King of Roumania, Mr. D. Bratiano, President of His Council of Ministers, His Minister of Foreign Affairs, etc., etc., who, after having communicated to each other their respective full powers, found to be in good and proper form, have agreed upon the following articles: Negotiators.

ARTICLE I.

Each of the high contracting parties agrees to receive from the other, consuls general, consuls, vice-consuls and consular agents, in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power. Consuls.

ARTICLE II.

The consuls-general, consuls, vice-consuls and consular agents of each of the two high contracting parties shall enjoy reciprocally, in the States of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument they shall be permitted to enjoy the rights, privileges and immunities granted by this convention. Most favored nation privileges accorded to consuls.

Article III.

Exemptions of consular officers.

Consuls-general, consuls, vice-consuls and consular agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, state or municipal, imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions.

This exemption shall not, however, apply to consuls-general, consuls, vice-consuls, or consular agents engaged in any profession, business or trade, but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

It is understood that the respective consuls, if they are merchants, shall be entirely submitted, as far as concerns preliminary arrest for commercial acts, to the legislation of the country in which they exercise their functions.

Article IV.

Testimony of consuls.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul or consular agent, who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to the consuls of the United States in Roumania in the like cases.

Article V.

Arms and flag.

Consuls-general, consuls, vice-consuls and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate-General, or Consulate, or Vice-Consulate or Consular Agency of the United States, or of Roumania.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may, in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

ARTICLE VI.

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

Consular premises and archives inviolable.

ARTICLE VII.

In the event of the death, incapacity or absence of consuls-general, consuls, vice-consuls and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Ministry of Foreign Affairs in Roumania, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

Absence of consular officers.

ARTICLE VIII.

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports and places within their consular jurisdiction. These agents may be selected from among citizens of the United States, Roumanians, or citizens of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles 3 and 4.

Power of consuls to appoint vice-consuls.

ARTICLE IX.

Consuls-general, consuls, vice-consuls and consular agents shall have the right to address the administrative and judicial authorities, whether in the United States, of the Union, the States or the municipalities, or in Roumania, of the State, the district or the commune, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Roumania, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

Application by consuls to governmental authorities.

ARTICLE X.

Consuls-general, consuls, vice-consuls and consular agents may take at their offices, at their private residence, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all con-

Depositions and contracts.

tracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which the said consular officer may belong.

Such papers and official documents of every kind, whether in the original, in copies or in translation, duly authenticated and legalized by the consuls-general, consuls, vice-consuls and consular agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Roumania.

ARTICLE XI.

Settlements of disputes between masters and crews.

The respective consuls-general, consuls, vice-consuls and consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of all differences which may arise, either at sea or in port, between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not interfere except when the disorder that has arisen is of such a nature as to disturb tranquillity and public order on shore, or in the port, or when a person of the country or not belonging to the crew shall be concerned therein.

In all other cases, the aforesaid authorities shall confine themselves to lending aid to the consuls and vice-consuls or consular agents, if they are requested by them to do so, in causing the arrest and imprisonment of any person whose name is inscribed on the crew-list, whenever, for any cause, the said officers shall think proper.

ARTICLE XII.

Deserters.

The respective consuls-general, consuls, vice-consuls and consular agents may cause to be arrested the officers, sailors and all other persons making part of the crews, in any manner whatever, of ships of war, or merchant vessels of their nation, who may be guilty, or be accused, of having deserted said ships and vessels, for the purpsse of sending them on board or back to their country. To this end they shall address the competent local authorities of the respective countries, in writing, and shall make to them a written request for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said ship's company.

Upon such request thus supported, the delivery to them of the deserters cannot be refused, unless it should be duly proved that they were citizens of the country where their extradition is demanded at the time of their being inscribed on the crew-list. All the necessary aid and protection shall be furnished for the pursuit, seizure and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, nor shall they again be arrested for the same cause.

If the deserter has committed any misdemeanor, and the court having the right to take cognizance of the offence shall claim and exercise it, the delivery of the deserter shall be deferred until the decision of the court has been pronounced and executed.

ARTICLE XIII.

In the absence of an agreement to the contrary between the owners freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the consuls-general, consuls, vice-consuls and consular agents of the respective countries. If, however, any inhabitant of the country, or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

Damages to vessels at sea.

ARTICLE XIV.

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Roumania, and of Roumanian vessels wrecked upon the coasts of the United States, shall be directed by the consuls-general, consuls and vice-consuls of the two countries respectively, and, until their arrival, by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of wrecked property.

Salvage.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XV.

In case of the death of any citizen of the United States in Roumania, or of any Roumanian in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall give information of the circumstance to the consuls or consular agents of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to parties interested.

Death of citizens of one nation in the territory of the other.

Consuls-general, consuls, vice-consuls and consular agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs or creditors, until they are duly represented.

Absent heirs.

ARTICLE XVI.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries and exchanged at Bucarest as soon as possible.

Duration of convention.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof the respective plenipotentiaries have signed this convention in duplicate, and have hereunto affixed their seals.

Done at Bucarest the 5–17 day of June, in the year one thousand eight hundred and eighty-one.

[SEAL.] EUGENE SCHUYLER.
[SEAL.] D. BRATIANO.

RUSSIA.

1824.

CONVENTION* RELATIVE TO NAVIGATION, FISHING, AND TRADING IN THE PACIFIC OCEAN AND TO ESTABLISHMENTS ON THE NROTHWEST COAST.

Concluded April 17, 1824; *ratifications exchanged at Washington January* 11, 1825; *proclaimed January* 12, 1825.

In the name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named as their Plenipotentiaries to this effect, to wit:

The President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near his Imperial Majesty; and Negotiators.

His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual Privy Counsellor, Member of the Council of State, Secretary of State directing the administration of Foreign Affairs, actual Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Wladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and St. Michael, and Grand Cross of the Legion of Honor of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Würtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma; and Pierre de Poletica, actual Counsellor of State, Knight of the Order of St. Anne of the first class, and Grand Cross of the Order of St. Wladimir of the second;

Who, after having exchanged their full powers, found in good and due form have agreed upon and signed the following stipulations:

ARTICLE I.

It is agreed that, in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the high contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power Navigation and fisheries of the Pacific.

* Translation from the original, which is in the French language.

of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE II.

Illicit trade.

With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest coast.

ARTICLE III.

Establishments to be formed by citizens of the United States or Russia.

It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the Northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ARTICLE IV.

Interior seas.

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE V.

Articles to be excepted from this commerce.

All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandize, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this article by their respective citizens or subjects.

ARTICLE VI.

Ratifications.

When this convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate, on the one part, and, on the other, by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at

Washington in the space of ten months from the date below, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at St. Petersburg the 17–5 April, of the year of Grace one thousand eight hundred and twenty-four.

[SEAL.] HENRY MIDDLETON.
[SEAL.] Le Comte CHARLES DE NESSELRODE.
[SEAL.] PIERRE DE POLETICA.

1832.

TREATY OF COMMERCE AND NAVIGATION.

Concluded December 18, 1832; *ratifications exchanged at Washington May* 11, 1833; *proclaimed May* 11, 1833.

In the name of the most Holy and Indivisible Trinity.

The United States of America and His Majesty the Emperor of all the Russias, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, and of extending and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of navigation and commerce; for which purpose the President of the United States has conferred full powers on James Buchanan, their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty; and His Majesty the Emperor of all the Russias has conferred like powers on the Sieur Charles Robert Count de Nesselrode, his Vice Chancellor, Knight of the Orders of Russia, and of many others, &c.; Negotiators.

And the said Plenipotentiaries, having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce. Commerce and navigation.

ARTICLE II.

Russian vessels arriving either laden or in ballast in the ports of the United States of America, and reciprocally vessels of the United States arriving either laden or in ballast in the ports of the Empire of Russia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of No discrimination in tonnage duties or charges.

tonnage. In regard to light-house duties, pilotage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, the high contracting parties shall reciprocally treat each other upon the footing of the most favored nations with whom they have not treaties now actually in force, regulating the said duties and charges on the basis of an entire reciprocity.

ARTICLE III.

No discrimination in duties on imports on account of nationality of vessels importing same.

All kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the Empire of Russia in Russian vessels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in Russian vessels. And, reciprocally, all kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the United States of America in vessels of the said States, may also be so imported in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in vessels of the United States of America.

ARTICLE IV.

The same rule to obtain, whether arriving from their own or from foreign ports.

It is understood that the stipulations contained in the two preceding articles are to their full extent applicable to Russian vessels and their cargoes arriving in the ports of the United States of America, and reciprocally to vessels of the said States and their cargoes arriving in the ports of the Empire of Russia, whether the said vessels clear directly from the ports of the country to which they respectively belong or from the ports of any other foreign country.

ARTICLE V.

No discrimination in duties on exports on account of nationality of vessels exporting same.

All kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the United States of America in national vessels, may also be exported therefrom in Russian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And, reciprocally, all kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the Empire of Russia in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in Russian vessels.

Article VI.

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Russia, and no higher or other duties shall be imposed on the importation into the Empire of Russia of any article the produce or manufacture of the United States, than are or shall be payable on the like article being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States or of Russia, to or from the ports of the United States, or to or from the ports of the Russian Empire, which shall not equally extend to all other nations.

No discriminating duties on account of nationality of importers.

Prohibitions shall be general.

Article VII.

It is expressly understood that the preceding articles II, III, IV, V, and VI, shall not be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

Coasting trade excepted.

Article VIII.

The two contracting parties shall have the liberty of having in their respective ports Consuls, Vice-Consuls, Agents, and Commissaries, of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any such Consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

Consuls.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order of the tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

Settlement of disputes between masters and crews.

Article IX.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities, for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall in writing demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Deserters.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belong, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE X.

Personal estates may be disposed of by will or otherwise.

The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representatives, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate, within the territories of one of the high contracting parties, such real estate would by the laws of the land descend on a citizen or subject of the other party, who by reason of alienage may be incapable of holding it, he shall be allowed the time fixed by the laws of the country; and in case the laws of the country actually in force may not have fixed any such time, he shall then be allowed a reasonable time to sell such real estate, and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective Governments any other dues than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases. But this article shall not derogate in any manner from the force of the laws already published, or which may hereafter be published, by His Majesty the Emperor of all the Russias, to prevent the emigration of his subjects.

Inherited real estate, how disposed of.

ARTICLE XI.

Most favored nation.

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

ARTICLE XII.

The present treaty, of which the effect shall extend in like manner to the Kingdom of Poland, so far as the same may be applicable thereto, shall continue in force until the first day of January, in the year of our Lord one thousand eight hundred and thirty-nine, and if, one year before that day, one of the high contracting parties shall not have announced to the other, by an official notification, its intention to arrest the operation thereof, this treaty shall remain obligatory one year beyond that day, and so on until the expiration of the year which shall commence after the date of a similar notification.

Duration and extent of treaty.

ARTICLE XIII.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the Emperor of all the Russias, and the ratifications shall be exchanged in the city of Washington within the space of one year, or sooner if possible.

Ratifications.

In faith whereof the respective Plenipotentiaries have signed the present treaty in duplicate, and affixed thereto the seal of their arms.

Done at St. Petersburg the sixth eighteenth December, in the year of Grace one thousand eight hundred and thirty-two.

[SEAL.] JAMES BUCHANAN.
[SEAL.] CHARLES COMTE DE NESSELRODE.

SEPARATE ARTICLE.

Certain relations of proximity and anterior engagements having rendered it necessary for the imperial Government to regulate the commercial relations of Russia with Prussia and the Kingdoms of Sweden and Norway by special stipulations, now actually in force, and which may be renewed hereafter; which stipulations are in no manner connected with the existing regulations for foreign commerce in general: The two high contracting parties, wishing to remove from their commercial relations every kind of ambiguity or subject of discussion, have agreed that the special stipulations granted to the commerce of Prussia, and of Sweden and Norway, in consideration of equivalent advantages granted in these countries, by the one to the commerce of the Kingdom of Poland, and by the other to that of the Grand Dutchy of Finland, shall not, in any case, be invoked in favor of the relations of commerce and navigation sanctioned between the two high contracting parties by the present treaty.

Special stipulations granted to other nations not to apply.

The present separate article shall have the same force and value as if it were inserted, word for word, in the treaty signed this day, and shall be ratified at the same time.

In faith whereof we, the undersigned, by virtue of our respective full powers, have signed the present separate article, and affixed thereto the seals of our arms.

Done at St. Petersburg the sixth eighteenth of December, in the year of Grace one thousand eight hundred and thirty-two.

[SEAL.] JAMES BUCHANAN.
[SEAL.] CHARLES COMTE DE NESSELRODE.

1854.

CONVENTION RELATIVE TO THE RIGHTS OF NEUTRALS AT SEA.

Concluded July 22, 1854; ratifications exchanged at Washington October 31, 1854; proclaimed November 1, 1854.

The United States of America and His Majesty the Emperor of all the Russias, equally animated with a desire to maintain, and to preserve from all harm, the relations of good understanding which have at all times so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognize as indispensable conditions of all freedom of navigation and maritime trade. For this purpose the President of the United States has conferred full powers on William L. Marcy, Secretary of State of the United States; and His Majesty the Emperor of all the Russias has conferred like powers on Mr. Edward de Stoeckl, Counsellor of State, Knight of the Orders of Ste. Anne of the 2d class, of St. Stanislas of the 4th class, and of the Iron Crown of Austria of the 3d class, His Majesty's Chargé d'Affaires near the Government of the United States of America;

Negotiators.

And said Plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

Free ships make free goods.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

Neutral property.

ARTICLE II.

The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st article. But they declare from this time that they will take the stipulations contained in said article 1 as a rule, whenever it shall become a question to judge of the rights of neutrality.

Understanding as to application of these principles.

ARTICLE III.

It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as

Other nations may accede to this treaty.

they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

ARTICLE IV.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by His Majesty the Emperor of all the Russias, and the ratifications of the same shall be exchanged at Washington, within the period of ten months, counting from this day, or sooner if possible. Ratifications.

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate, and thereto affixed the seal of their arms.

Done at Washington the twenty-second day of July, the year of Grace, 1854.

[SEAL.] W. L. MARCY.
[SEAL.] EDOUARD STOECKL.

1867.

CONVENTION FOR THE CESSION OF THE RUSSIAN POSSESSIONS IN NORTH AMERICA TO THE UNITED STATES.

Concluded March 30, 1867; *ratifications exchanged at Washington June* 20, 1867; *proclaimed June* 20, 1867.

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States; Negotiators.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28–16, 1825, and described in Articles III and IV of said convention, in the following terms: Cession of territory. Boundaries.

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133d degree of west

longitude. (meridian of Greenwich.) the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st. That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession to the United States.

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned, (that is to say, the limit to the possessions ceded by this convention,) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed are contained passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's Straits and Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Chookotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group, in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.

ARTICLE II.

Rights included in the cession of territory and dominion.

In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian Government, shall remain the property of such members of the Greek Oriental Church resident in the territory as may choose to worship therein. Any Government archives, papers, and documents relative to the territory and dominion aforesaid, which may now be existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the [illegible] States to the Russian Government, or to such Russian officers or [illegible] as they may apply for.

Archives to accompany the cession.

ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

Rights of inhabitants.

ARTICLE IV.

His Majesty, the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents, appointed on behalf of the United States, the territory, dominion, property, dependencies, and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

Agent.

Cession to be absolute.

ARTICLE V.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

Military posts.

ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of His Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties except merely private individual property-holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the the said territory or dominion, and appurtenances thereto.

Payment.

Territory ceded to be unincumbered by reservations, privileges, or franchises.

ARTICLE VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and, on the other, by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner if possible.

Ratifications.

In faith whereof the respective Plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] EDOUARD DE STOECKL.

1868.

ARTICLE RESPECTING TRADE-MARKS,* ADDITIONAL TO THE TREATY OF NAVIGATION AND COMMERCE OF DECEMBER 6–18, 1832.

Concluded at Washington January 27, 1868; ratifications exchanged at St. Petersburg September 21, 1868; proclaimed October 15, 1868.

The United States of America and his Majesty the Emperor of all the Russias, deeming it advisable that there should be an additional article to the treaty of commerce between them of the $\frac{6}{18}$ December, 1832, have for this purpose named as their Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State, and

Negotiators. His Majesty the Emperor of all the Russias, the Privy Councillor, Edward de Stoeckl, accredited as his Envoy Extraordinary and Minister Plenipotentiary to the United States;

And the said Plenipotentiaries, after an examination of their respective full powers, which were found to be in good and due form, have agreed to and signed the following:

ADDITIONAL ARTICLE.

The high contracting parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective

Trade marks. citizens and subjects, agree that any counterfeiting in one of the two countries of the trade-marks affixed in the other on merchandize, to show its origin and quality, shall be strictly prohibited and repressed, and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven.

The trade-marks in which the citizens or subjects of one of the two countries may wish to secure the right of property in the other, must be lodged exclusively, to wit, the marks of citizens of the United States in the Department of Manufactures and Inland Commerce at St. Petersburg, and the marks of Russian subjects at the Patent-Office in Washington.

This additional article shall be terminable by either party, pursuant to the twelfth article of the treaty to which it is an addition. It shall

Duration of convention. Ratifications. be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of all the Russias, and the respective ratifications of the same shall be exchanged at St. Petersburg within nine months from the date hereof, or sooner if possible.

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* See also Declaration of March 28, 1874.

In faith whereof the respective Plenipotentiaries have signed the present additional article in duplicate, and affixed thereto the seal of their arms.

Done at Washington the twenty-seventh day of January, in the year of Grace one thousand eight hundred and sixty-eight.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] EDOUARD DE STOECKL.

1874.

DECLARATION RESPECTING PREVIOUS TREATY STIPULATIONS IN REGARD TO TRADE-MARKS.

Signed March 28, 1874; *proclaimed November* 24, 1874.

DECLARATION.

The Government of the United States of America and the Government of His Majesty the Emperor of all the Russias, having recognized the necessity of defining and rendering more efficacious the stipulations contained in the additional article of the $\frac{5}{17}$th January, 1868, to the Treaty of Commerce and Navigation concluded between the United States of America and Russia on the $\frac{6}{18}$th December, 1832, the undersigned, duly authorized to that effect, have agreed upon the following arrangements:

ARTICLE I.

With regard to marks of goods or of their packages, and also with regard to marks of manufacture and trade, the citizens of the United States of America shall enjoy in Russia, and Russian subjects shall enjoy in the United States, the same protection as native citizens. Reciprocal trade-mark privileges.

ARTICLE II.

The preceding article, which shall come immediately into operation, shall be considered as forming an integral part of the Treaty of the $\frac{6}{18}$th December, 1832, and shall have the same force and duration as the said Treaty. Duration of declaration.

In faith whereof the undersigned have drawn up and signed the present Declaration, and affixed thereto their seals.

Done in duplicate in the English and Russian languages at St. Petersburg this $\frac{16}{28}$th day of March, 1874.

[SEAL.] MARSHALL JEWELL.
[SEAL.] GORTCHACOW.

1884.

DECLARATION CONCERNING THE ADMEASUREMENT OF VESSELS.

Signed June 6, 1884.

DECLARATION.

The English method for the admeasurement of vessels (the Moorsom system) being now in force not only in the United States of America, but also in the Empire of Russia and the Grand Duchy of Finland, the

undersigned, having been duly authorized by their Governments, hereby declare:

ARTICLE I.

Admeasurement of vessels.

That American vessels admeasured according to the aforesaid method, shall be admitted into the ports of Russia and Finland, and likewise that Russian and Finnish vessels admeasured according to the same system, shall be admitted into the ports of the United States, without being subjected, for the payment of navigation dues, to any new admeasurement whatever.

These navigation dues shall be computed according to the net tonnage.

Certificates of admeasurement to be recognized.

A. Russian certificates of admeasurement issued since December 20, 1879, January 1, 1880, and Finnish certificates of admeasurement issued since May 31, 1877, shall be recognized in the United States of America without any formality as regards the net tonnage of *sailing* or *steam* vessels.

B. In like manner American certificates of admeasurement shall be recognized in Russia and Finland without any formality as regards the tonnage of American *sailing* vessels. American certificates of admeasurement, issued since July 24, August 5, 1882, shall be recognized in Russia and Finland without any formality as regards the net tonnage of American *steam* vessels. As the American admeasurement regulations which were in force previously to that date make no deduction for the space occupied by the machinery and its appurtenances, certificates of admeasurement of American vessels issued before the act of July 24, August 5, 1882, took effect, shall be recognized in Russian and Finnish ports without such vessels being subjected to the readmeasurement, but on condition that the navigation dues shall be computed according to the gross tonnage stated in the certificate of admeasurement. The owners or captains of such vessels shall, nevertheless, if they desire it, have a right to demand a partial readmeasurement according to Russian or Finnish rules, in order thereby to secure a reduction of such dues.

Readmeasurement of steam vessels.

C. Inasmuch as the Russian and Finnish regulations are not entirely in conformity with those of the United States of America in respect to the admeasurement of steam vessels, commanders of Russian or Finnish vessels in American ports, and *vice versa*, shall have the right to demand the partial readmeasurement of the space occupied by the machinery, boilers, etc., according to the system in force in the port in which they are. The other figures of the certificate of admeasurement shall be taken as the basis of such readmeasurement.

D. This readmeasurement, executed in accordance with paragraphs B and C of this article, shall be performed at a rate to be established for this purpose by the local authorities.

ARTICLE II.

The above provisions shall likewise be applicable to vessels propelled by any other mechanical motor.

Duration of declaration.

This declaration shall take effect on the 20th day of July, 1st day of August, 1884, and shall remain in force until one of the contracting parties shall have made known to the other, six months in advance, its intention to cause its effects to cease.

In testimony whereof the undersigned have affixed their signatures to this declaration, together with the seals of their arms.

Done in duplicate at Washington, this 29th day of May, 6th day of June, 1884.

[SEAL.] FRED'K T. FRELINGHUYSEN.

[SEAL.] C. STRUVE.

SALVADOR.

1850.*

TREATY OF AMITY, NAVIGATION, AND COMMERCE.

Concluded January 2, 1850; *ratifications exchanged at San Salvador June* 2, 1852; *proclaimed April* 18, 1853.

The United States of North America and the Republic of San Salvador, desiring to make lasting and firm the friendship and good understanding which happily exists between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between each other, by means of a treaty or general convention of peace and friendship, commerce, and navigation.

For this desirable object the President of the United States of America has conferred full powers upon E. G. Squier, a citizen of the said States, and their Chargé d'Affaires to Guatemala; and the President of the Republic of San Salvador has conferred similar and equal powers upon Señor Licenciado Don Augustin Morales, who, after having exchanged their said full powers in due form, have agreed to the following articles: Negotiators.

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of San Salvador, in all the extent of their possessions and territories, and between their citizens respectively, without distinction of persons or places. Declaration of amity.

ARTICLE II.

The United States of America and the Republic of San Salvador, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional. Most favored nation.

* See Notes: "Abrogated, suspended, or obsolete treaties."

ARTICLE III.

Privileges of citizens of one nation in the territory of the other in business affairs.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside therein, and shall have the power to purchase and hold lands, and all kinds of real estate, and to engage in all kinds of trade, manufactures, and mining, upon the same terms with the native citizen, and shall enjoy all the privileges and concessions in these matters which are or may be made to the citizens of any country, and shall enjoy all the rights, privileges, and exemptions in navigation, commerce, and manufactures, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, or usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

Coasting trade reserved.

ARTICLE IV.

No discrimination in duties, drawbacks and bounties on imports and exports on account of nationality of vessel importing same.

They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of San Salvador; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and in like manner that, whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the Republic of San Salvador in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other. And they further agree that whatever may be lawfully exported or re-exported from one country in its own vessels to any foreign country may in like manner be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of San Salvador.

ARTICLE V.

No discriminating duties on account of nationality of imports or on account of nation to which exports are sent.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of San Salvador, and no higher or other duties shall be imposed on the importation into the Republic of San Salvador of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles being the produce or manufactures of any foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Republic of San Salvador, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the

Republic of San Salvador, to or from the territories of the United States, or to or from the territories of the Republic of San Salvador, which shall not equally extend to all other nations.

ARTICLE IV.

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States and their cargoes arriving in the ports of San Salvador, and reciprocally to the vessels of the said Republic of San Salvador and their cargoes arriving in the ports of the United States, whether they proceed from the ports of the country to which they respectively belong or from the ports of any other foreign country; and, in either case, no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

The three preceding articles reciprocally applicable to voyages from any port.

ARTICLE VII.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, by themselves or agents, their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nation.

Transaction of business.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

Embargoes and detention.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle or hindrance of any kind.

Refuge or asylum of vessels.

ARTICLE X.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before

Property recaptured from pirates to be restored to owner.

the competent tribunals, it being well understood that the claim shall be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE XI.

Shipwrecks.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects without exacting for it any duty, impost, or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

ARTICLE XII.

May dispose of personal and real estate by will or otherwise.

The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or ab intestato; and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases.

ARTICLE XIII.

Protection of persons and property.

Access to tribunals of justice.

Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country, for which purpose they may either appear in proper person, or employ in the prosecution or defence of their rights such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals in all cases which may concern them, and shall enjoy in such cases all the rights and privileges accorded to the native citizen.

ARTICLE XIV.

Freedom of conscience and worship.

Burial.

The citizens of the United States residing in the territories of the Republic of San Salvador shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on the proper exercise of their religion, in private houses, or on the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship, and the respect due to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of San Salvador, in convenient and adequate places, to be appointed and established for that purpose, with the knowledge of the

local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in anywise, nor upon any account.

In like manner the citizens of San Salvador shall enjoy within the Government and territories of the United States a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwelling-houses, or on the chapels and places of worship appointed for that purpose, agreeably to the laws, usages, and customs of the United States.

ARTICLE XV.

It shall be lawful for the citizens of the United States of America and of the Republic of San Salvador to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are the enemies of both or either party, without any opposition or disturbance whatsoever, not only from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one Power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything which shall be found on board the ships belonging to the citizens of either of the contracting parties shall be deemed to be free and exempt, although the whole lading, or any part thereof, should appertain to the enemies of either, (contraband goods being always excepted.)

Liberty of commerce in time of war.

Free ships make free goods.

It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect; that altho' they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers and soldiers, and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

Similar provision as to persons.

Limitation of the principle.

ARTICLE XVI.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties shall protect the property of one of the enemies of the other by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessel shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not

Enemy's ship to make enemy's goods.

Knowledge of declaration of war.

protect the enemy's property, in that case the goods and merchandise of the neutral embarked on such enemy's ships shall be free.

ARTICLE XVII.

Contraband.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, hand-grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in the form and for the military use.

3d. Cavalry belts and horses, with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other material manufactured, prepared, and formed expressly to make war by sea or land.

5th. Provisions that are imported into a besieged or blockaded place.

ARTICLE XVIII.

Other goods free.

Siege and blockade.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XIX.

Proceedings in case of contraband.

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk they cannot be received on board the capturing ship without great inconvenience; but in this and all other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

ARTICLE XX.

Blockades.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged or blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part or her cargo, if not con-

traband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting that place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a national vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, unless in stress of weather, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of said armed ships shall be responsible, with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damage they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever. Right of search at sea.

ARTICLE XXII.

To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one [of] the parties. They have likewise agreed that when such ships have a cargo, they shall also be provided, besides the said sea-letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same, which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisities said vessel may be detained to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident, and shall be satisfied or supplied by testimony entirely equivalent. Vessels to be furnished with sea-letters or passports in time of war.

ARTICLE XXIII.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection Vessels under convoy.

belong to the nation whose flag he carries, and, when they may be bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIV.

Prize courts.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such tribunals of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXV.

Hostilities.

For the purpose of lessening the evils of war, the two high contracting parties further agree that in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the Government, and by those under their orders, except in repelling an attack or invasion, and in the defence of property.

ARTICLE XXVI.

Citizens of one party shall not take commissions or letters of marque from the enemy of the other.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

ARTICLE XXVII.

In case of war time is allowed merchants to settle their affairs.

If by any fatality which cannot be expected, and God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States or of San Salvador shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

Others may remain.

ARTICLE XXVIII.

Debts and moneys not to be confiscated.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares nor money which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXIX.

Immunities of diplomatic officers.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nations do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Republic of San Salvador may find it proper to give to the Ministers and public agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXX.

Consuls.

To make more effectual the protection which the United States and the Republic of San Salvador shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and to admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE XXXI.

Commissions and exequatur.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXXII.

Exemptions of consuls.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Consular archives inviolable.

ARTICLE XXXIII.

Deserters.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand in writing the

said deserters, proving by an exhibition of the registers of the vessels or ship's roll or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, where the contrary is proved by other testimonies,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation; but if they be not sent back within two months, to be counted from the day of arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXXIV.

Consular convention to be negotiated.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as circumstances will permit, a consular convention, which shall declare specially the powers respective and immunities of the Consuls and Vice-Consuls of the parties.

ARTICLE XXXV.

The United States of North America and the Republic of San Salvador, desiring to make as durable as possible the relations which are to be established by virtue of this treaty, have declared solemnly and do agree to the following points:

Duration of treaty.

1st. The present treaty shall remain in full force and vigor for the term of twenty years from the day of the exchange of the ratifications; and if neither party notifies the other of its intention of reforming any or all the articles of this treaty twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties beyond the said twenty years until twelve months from the time that one of the parties notifies the other of its intention of proceeding to a reform.

Peace not to be disturbed by acts of private persons.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Declaring war.

3d. If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

ARTICLE XXXVI.

Ratifications.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of San Salvador, with the consent and approbation of the Congress of the same; and the ratifi-

cations shall be exchanged in the city of Washington or San Salvador, within eight months from the date of the signature thereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of San Salvador, have signed and sealed these presents, in the city of Leon, on the second day of January, in the year of our Lord one thousand eight hundred and fifty, and of the Independence of the United States the seventy-fourth.

[SEAL.] E. GEO. SQUIER.
[SEAL.] AUGUSTIN MORALES.

1870.

CONVENTION FOR THE EXTRADITION OF CRIMINALS FUGITIVE FROM JUSTICE.

Concluded May, 23, 1870; ratifications exchanged at Washington, March 2, 1874; proclaimed March 4, 1874.

The United States of America and the Republic of Salvador, having judged it expedient, with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries, the President of the United States, Alfred T. A. Torbert, Minister Resident to Salvador; the President of the Republic of Salvador, Señor Doctor Don Gregorio Arbizú, Minister of Foreign Affairs; who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit: Negotiators.

ARTICLE 1ST.

The Government of the United States and the Government of Salvador mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed. Extradition of criminals. Proof of crime.

ARTICLE 2ND.

Persons shall be delivered up who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes:

1. Murder, comprehending the crimes designated in the penal codes of the contracting parties by the terms homicide, parricide, assassination, poisoning, and infanticide. Crimes.
2. The attempt to commit murder.

3. The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

4. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money by violence, or putting him in fear.

5. The crime of forgery, by w[h]ich is understood the utterance of forged papers, the counterfeiting of public, sovereign, or government acts.

6. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank notes, and obligations, and in general of all things being titles or instruments of credit, the counterfeiting of seals, dies, stamps, and marks of state and public administration, and the utterance thereof.

7. The embezzlement of public moneys, committed within the jurisdiction of either party, by public officers or depositors.

8. Embezzlement, by any person or persons, hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE 3RD.

Persons cannot be extradited for political offenses and past crimes.

The provisions of this treaty shall not apply to any crime or offence of a political character; and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime committed previously to that for which his or their surrender is asked.

ARTICLE 4TH.

When extradition may be deferred.

If the person whose surrender may be claimed, pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, * shall have been convicted therefor, his extradition may be deferred until he shall have been acquitted or have served the term of imprisonment to which he may have been sentenced.

ARTICLE 5TH.

Neither nation to deliver its citizens.

In no case and for no motive shall the high contracting parties be obliged to deliver up their own subjects. If, in conformity with the laws in force in the State to which the accused belongs, he ought to be submitted to criminal procedure for crimes committed in the other state, the latter must communicate the information and documents, send the implements or tools which were employed to perpetrate the crime, and procure every other explanation or evidence necessary to prosecute the case.

ARTICLE 6TH.

Requisitions for extradition; mode of procedure.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or in the event of the absence of these from the country, or its seat of government, they may be made by superior consular officers. If the person whose extradition may be asked for

* In the Spanish text the conjunction "O" (or) appears after the word "asilo" (asylum); the non-appearance of the corresponding word in the English text appears to be a clerical omission.

shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official c[h]aracter of the judge by the proper executive authority, and of the latter by the minister or consul of the United States or of Salvador, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly-authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or the depositions upon which such warrant may have been issued, must accompany the requisition aforesaid. The President of the United States or the President of Salvador may then issue a warrant for the apprehention of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to law and the evidence, the extradition is due, pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE 7TH.

The expenses of the arrest, detention, and transportation of the persons claimed shall be paid by the government in whose name the requisition shall have been made. Expenses.

ARTICLE 8TH.

This convention shall continue in force during (10) ten years from the day of exchange of ratifications; but if neither party shall have given to the other (6) six months' previous notice of its intention to terminate the same, the convention shall remain in force ten years longer, and so on. Duration of convention.

The present convention shall be ratified and the ratifications exchanged at the city of Washington within (12) twelve months, and sooner if possible. Ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at the city of San Salvador the twenty-third day of May, A. D. one thousand eight hundred and seventy, and of the Independence of the United States the ninety-fourth.

[SEAL.] ALFRED T. A. TORBERT.
[SEAL.] GREGO. ARBIZÚ.

1870.

TREATY OF AMITY, COMMERCE, AND CONSULAR PRIVILEGES.

Concluded December 6, 1870; *ratifications exchanged at Washington March* 11, 1874; *proclaimed March* 13, 1874.

The United States of America and the Republic of Salvador, desiring to make lasting and firm the friendship and good understanding which happily exist between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between each other, by means of a treaty or general convention of peace and friendship, commerce and consular privileges.

Negotiators.

For this desirable object the President of the United States of America has conferred full powers upon General Alfred T. A. Torbert, Minister Resident; and the President of the Republic of Salvador has conferred similar and equal powers upon Doctor Don Gregorio Arbizú, Minister of Foreign Relations; who, after having exchanged their said full powers in due form, have agreed to the following articles:

ARTICLE 1ST.

Declaration of amity.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Salvador, in all the extent of their possessions and territories, and between their citizens, respectively, without distinction of persons and places.

ARTICLE 2ND.

Most favored nation.

The United States of America and the Republic of Salvador, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely if the concession was freely made or on allowing the same compensation if the concession was conditional.

ARTICLE 3RD.

Privileges of citizens of one nation in the territory of the other in business affairs.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside therein, and shall have the power to purchase and hold lands, and all kinds of real estate, and to engage in all kinds of trade, manufactures, and mining, upon the same terms with the native citizens, and shall enjoy all the privileges and concessions in these matters which are or may be made to the citizens of any country, and shall enjoy all the rights, privileges, and exemptions in navigation, commerce, and manufactures, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, or usages there established to which native citizens are subjected. But it is understood that this article does not include the coasting-trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

Coasting trade reserved.

ARTICLE 4TH.

No discrimination in duties, drawbacks, and bounties on imports and exports on account of nationality of vessels importing same.

They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time lawfully imported into the United States in their own vessels may be also imported in vessels of the Republic of Salvador; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected whether the importation be made in vessels of the one country or of the other; and in like manner that whatever kind of produce, manufactures or merchandise of any foreign country can be from time to time lawfully

imported into the Republic of Salvador in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other. And they further agree that whatever may be lawfully exported or re exported from one country in its own vessels to any foreign country may, in like manner, be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Salvador.

ARTICLE 5TH.

No discriminating duties on account of nationality of imports, or on account of nation to which exports are sent.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of Salvador; and no higher or other duties shall be imposed on the importation into the Republic of Salvador of any articles the produce or manufactures of the United States than are, or shall be, payable on the like articles, being the produce or manufactures of any foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States, or to the Republic of Salvador, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States, or of the Republic of Salvador, to or from the territories of the United States, or to or from the territories of the Republic of Salvador, which shall not equally extend to all other nations.

ARTICLE 6TH.

The three preceding articles reciprocally applicable to voyages from any port.

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are, to their full extent, applicable to the vessels of the United States, and their cargoes, arriving in the ports of Salvador, and reciprocally to the vessels of the said Republic of Salvador, and their cargoes, arriving in the ports of the United States, whether they proceed from the ports of the country to which they respectively belong or from the ports of any other foreign country; and, in either case, no discriminating duty shall be imposed or collected in the posts of either country on said vessels, or their cargoes, whether the same shall be of native or foreign produce or manufacture.

ARTICLE 7TH.

Transaction of business.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, by themselves or agents, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nation.

ARTICLE 8TH.

Embargoes and detentions.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

ARTICLE 9TH.

Refuge or asylum of vessels.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE 10TH.

Property recaptured from pirates to be restored to owner.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim shall be made within the term of one year by the parties themselves, their attorneys, or agents of their respective governments.

ARTICLE 11TH.

Shipwrecks.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

ARTICLE 12TH.

May dispose of personal and real estate by will or otherwise.

The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or ab intestato; and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases.

ARTICLE 13TH.

Protection of persons and property.

Both contracting parties promise and engage formally to give their special protection for the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country; for which purpose they may either appear in proper person, or employ in the prosecution or defence of their rights such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals in all cases which may concern them, and shall enjoy in such cases all the rights and privileges accorded to the native citizen.

Access to tribunals of justice.

ARTICLE 14TH.

Freedom of conscience and worship.

The citizens of the United States residing in the territories of the Republic of Salvador shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship and the respect due to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of Salvador, in convenient and adequate places to be appointed and established for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in any wise nor upon any account. In like manner, the citizens of Salvador shall enjoy within the Government and territories of the United States a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, agreeably to the laws, usages, and customs of the United States.

Burial.

ARTICLE 15TH.

Liberty of commerce in time of war.

It shall be lawful for the citizens of the United States of America and of the Republic of Salvador to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are the enemies of both or either party, without any opposition or disturbance whatsoever, not only from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy,* whether they be under the jurisdic-

* In the Spanish text the words "á otro lugar perteneciente á un enemigo," (to another place belonging to an enemy) follow the words "un enemigo" (an enemy) in the Spanish text. The absence from the English text of these words, being in translation "to another place belonging to an enemy," appears to be a clerical omission.

tion of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything which shall be found on board the ships belonging to the citizens of either of the contracting parties shall be deemed to be free and exempt, although the whole lading, or any part thereof, should appertain to the enemies of either (contraband goods being always excepted.)

Free ships make free goods.

It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect: that, although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers and soldiers and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Similar provisions as to persons.

Limitation of the principle.

ARTICLE 16TH.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of one of the enemies of the other by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked on such enemy's ships shall be free.

Enemy's ship to make enemy's goods.

Knowledge of declaration of war.

ARTICLE 17TH.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

Contraband.

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, hand-grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breast-plates, coats of mail, infantry-belts, and clothes made up in the form and for the military use.

3d. Cavalry belts and horses, with their furniture.

4th. And generally all kinds of arms, and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

5th. Provisions that are imported into a besieged or blockaded place.

ARTICLE 18TH.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral. Other goods free. Siege and blockade.

ARTICLE 19TH.

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law. Proceedings in case of contraband.

ARTICLE 20TH.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged or blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting that place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof. Blockades.

ARTICLE 21ST.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a national vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, unless in stress of weather, and may send its boat, with two or three men only, in order to execute the said examination of the papers con- Right of search at sea.

cerning the ownership and cargo, without causing the least extortion, violence, or ill-treatment, for which the commanders of said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damage they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE 22ND.

To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties. They have likewise agreed that when such ships have a cargo, they shall also be provided, besides the said sea-letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same, which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident, and shall be satisfied or supplied by testimony entirely equivalent.

Vessels to be furnished with sea-letters or passports in time of war.

ARTICLE 23RD.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they may be bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Vessels under convoy.

ARTICLE 24TH.

It is further agreed that in all cases the established courts of prize-causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such tribunals of either party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

Prize-courts.

ARTICLE 25TH.

For the purpose of lessening the evils of war, the two high contracting parties further agree that, in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the Government, and by those under their orders, except in repelling an attack or invasion, and in the defence of property.

Hostilities

ARTICLE 26TH.

Whenever one of the contracting parties shall be engaged in a war with another state, no citizens of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or cooperating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

Citizens of one party shall not take commissions or letters of marque from the enemy of the other.

ARTICLE 27TH.

For the better security of commerce between the citizens of the United States and the citizens of Salvador, it is agreed that if, at any time, any interruption of friendly intercourse, or any rupture, should unfortunately take place between the two high contracting parties, the citizens of either, who may be within the territories of the other, shall, if residing on the coast, be allowed six months, and if in the interior, a whole year, to wind up their accounts and dispose of their property; and a safe-conduct shall be given to them to embark at any port they themselves may select. Even in case of rupture, all such citizens of either of the high contracting parties, who are established in any of the territories of the other in trade or other employment, shall have the privilege of remaining and of continuing such trade or employment, without any manner of interruption, in full enjoyment of liberty and prosperity, so long as they behave peacefully and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the state, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case, debts between individuals, property in public funds, and shares of companies and property of whatever description, shall never be confiscated nor detained nor sequestered.

In case of war, time is allowed citizens to settle their affairs.

Right to remain when established in business.

Property of citizens remaining.

Debts and moneys not to be confiscated.

ARTICLE 28TH.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination by sale, donation, exchange, testament, or any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens; and they shall not be charged in any of these respects with any higher imposts or duties than those which are or may be paid by native citizens, submitting, of course, to the local laws and regulations of each country respectively.

Reciprocal rights as to police, safety of property, disposal of and succession to property.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the Republic of Salvador, in which foreigners shall be entitled to hold or inherit real estate; but in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the state in which it may be situated, there shall be accorded to the said heir or other successor such time as the laws of the state will permit to sell such property. He shall be at liberty, at all times, to withdraw and export the proceeds thereof without difficulty, and without paying to the government any other charges than those which would be paid by an inhabitant of the country in which the real estate may be situated.

Inherited real estate, how disposed of.

If any citizen of the two high contracting parties shall die without a will or testament in any of the territories of the other, the minister or consul of the nation to which the deceased belonged, (or the representative of such minister or consul, in case of absence,) shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

Dying without will, charge of property.

ARTICLE 29TH.

1st. The citizens of the United States residing in Salvador, or the citizens of Salvador residing in the United States, may intermarry with the natives of the country, hold and possess, by purchase, marriage, or descent, any estate, real or personal, without thereby changing their national character, subject to the laws which now exist or may be enacted in this respect.

Citizenship not affected by marriage or possession of real estate.

2nd. When the citizens of the United States residing in Salvador, or the citizens of Salvador residing in the United States, marry natives of the country according to the laws, such marriage shall be considered legal in the other country.

Marriages.

3rd. The citizens of the United States residents in the Republic of Salvador, and the citizens of Salvador residents in the United States, shall be exempted from all forced or compulsory military service whatsoever, by land or sea, from all contributions of war, military exactions, forced loans in time of war; but they shall be obliged, in the same manner as citizens of each nation, to pay lawful taxes, municipal and other modes of imposts and ordinary charges, loans, and contributions in time of peace, (as the citizens of the country are liable,) in just proportion to the property owned.

Forced military service, loans, and taxes.

4th. Nor shall the property of either of any kind be taken for any public object without full and just compensation, to be paid in advance; and

Compensation for property taken.

5th. The citizens of the two high contracting parties shall have the unlimited right to go to any part of the territories of the other, and in all cases enjoy the same security as the natives of the country where they reside, with the condition that they duly observe the laws and ordinances.

Right of travel and security.

ARTICLE 30TH.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have

agreed, and do agree to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nations do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Republic of Salvador may find it proper to give to the ministers and public agents of any other power shall, by the same act, be extended to those of each of the contracting parties. Immunities of diplomatic officers.

ARTICLE 31ST.

Each of the two contracting republics may maintain in the principal cities or commercial places of the other, and in the ports open to foreign commerce, consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed. They may likewise appoint consuls-general, as chiefs over the other consuls, or to attend to the affairs of several commercial places at the same time, and vice-consuls for ports of minor importance, or to act under the direction of the consuls. Each republic may, however, except those cities, places, or ports, in which it may consider the residence of such functionaries inconvenient, such exception being common to all nations. All that is said in this treaty of consuls in general shall be considered as relating not only to consuls, properly so-called, but to consuls general and vice-consuls in all the cases to which this treaty refers. Consuls.

ARTICLE 32ND.

The consuls appointed by one of the contracting parties to reside in the ports or places of the other shall present to the government of the republic in which they are to reside their letters-patent, or commission, in order that may receive the proper exequatur, if it be deemed expedient to give it, which shall be granted without any charge; and this exequatur, when obtained, is to be exhibited to the chief authorities of the place in which the consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogative in his respective consular district. The government receiving the consul may withdraw the exequatur, or his consular commission, whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding. Commissions and exequatur.

ARTICLE 33RD.

The consuls admitted in either republic may exercise in their respective districts the following functions:

1st. They may apply directly to the authorities of the district in which they reside, and they may, in case of necessity, have recourse to the national government through the diplomatic agent of their nation, if there be any, or directly if there be no such agent, in complaint against any infraction of the treaties of commerce committed by the authorities or persons employed by them in the country, to the injury of the commerce of the nation in whose service the consul is engaged. Application by consuls to governmental authorities.

2nd. They may apply to the authorities of the consular district, and, in case of necessity, they may have recourse to the national government

through the diplomatic agent of their nation, if there be any, or directly if there be no such agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the consul is engaged; and they may, when necessary, take such measures as may be proper to prevent justice from being denied to them or delayed, and to prevent them from being judged or punished by any other than competent judges, and agreeably to the laws in force.

Complaints of abuses by authorities against individuals.

Complaints against denial of justice.

3rd. They may, as the natural defenders of their fellow-countrymen, appear in their name and behalf, whenever so requested by them, before the respective authorities of the place, in all cases in which their support may be necessary.

Appearing before authorities in behalf of countrymen.

4th. They may accompany the captains, mates, or masters of vessels of their nation in all that they may have to do with regard to the manifests of their merchandise and other documents, and be present in all cases in which the authorities, courts, or judges of the country may have to take any declarations from the persons above mentioned, or any other belonging to their respective crews.

Accompanying shipmasters in certain cases.

5th. They shall have the right, in the ports or places to which they are or may be severally appointed, of receiving the protests or declarations which such captains, masters, crews, passengers, and merchants as are citizens of their country may respectively choose to make there; and also such as any foreigners may choose to make before them relative to the personal interests of any of their citizens; and the copies of said acts, duly authenticated by the said consuls under the seal of their consulates respectively, shall receive faith in law, as if they had been authenticated before the judges or courts of the respective countries.

Protests and declarations.

Authentication copies of protests.

6th. They may determine on all matters relating to injuries sustained at sea by effects and merchandise shipped in vessels of the nation in whose service the consul is employed arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers, owners, and insurers. But if among the persons interested in such losses and injuries, there should be inhabitants of the country where the consul resides, and not belonging to the nation in whose service he is, the cognizance of such losses and injuries appertains to the local authorities.

Injuries at sea to property in vessels of the consul's nation.

7th. They may compromise amicably, and out of court, the differences arising between their fellow countrymen, providing that those persons agree voluntarily to submit to such arbitration; in which case the document containing the decision of the consul, authenticated by himself and his chancellor or secretary, shall have all the force of a notarial copy authenticated, so as to render it obligatory on the interested parties.

Arbitration of differences between fellow-countrymen.

8th. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers, and the members of the crew, unless the disorders taking place on board should disturb the public tranquillity, or persons not belonging to the crew or to the nation in whose service the consul is employed, in which case the local authorities may interfere.

Settlement of disputes between masters and crews.

9th. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the consul resides. In such cases the local authori-

Shipwrecks.

ties shall interfere only in order to maintain tranquillity, to give security to the interests of the parties concerned, and to cause the dispositions which should be observed for the entry and export of the property to be fulfilled. In the absence of the consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

Estates of deceased.

10th. They shall take possession of the personal or real estate left by any of their citizens who shall die within their consulate, leaving no legal representative or trustee by him appointed to take charge of his effects; they shall inventory the same with the assistance of two merchants, citizens of the respective countries or for want of them of any others whom the consuls may choose; shall cause a notice of the death to be published in some newspaper of the country where they reside; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have contracted; shall sell at auction, after reasonable public notice, such of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, but they shall pay no claims not reduced to a judgment for damages on account of any wrongful act alleged to have been done by the deceased. Whensoever there is no consul in the place where the death occurs, the local authority shall take all the precautions in their power to secure the property of the deceased, and immediately notify the nearest consul of the country to which the deceased belonged.

Notice of death.

Collection and payment of debts.

Sale of effects.

Claims against estate of deceased.

Absence of consul.

Deserters.

11th. They may demand from the local authorities the arrest of seamen deserting from the vessel of the nation in whose service the consul is employed, exhibiting, if necessary, the register of the vessel, her muster-roll, and any other official document in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the consul; but if the vessel to which they belong shall have sailed, and no opportunity for sending them away should occur, they shall be kept in arrest at the expense of the consul for two months; and if at the expiration of that time they should not have been sent away, they shall be set at liberty by the respective authorities, and cannot again be arrested for the same cause.

Documents necessary for intercourse, bills of health, invoices, and other papers.

12th. They may give such documents as may be necessary for the intercourse between the two countries, and countersign those which may have been given by the authorities. They may also give bills of health, if necessary, to vessels sailing from the port where the consul resides to the port of the nation to which he belongs; they may also certify invoices, muster-rolls, and other papers necessary for the commerce and navigation of vessels.

Chancellor or secretary.

13th. They may appoint a chancellor or secretary whensoever the consulate has none and one is required for authenticating documents.

Commercial agents.

14th. They may appoint commercial agents to employ all the means in their power in behalf of individuals of the nation in whose service the consul is, and for executing the commissions which the consul may think proper to intrust to them out of the place of his residence, provided, however, that such agents are not to enjoy the prerogatives conceded to consuls, but only those which are peculiar to commercial agents.

ARTICLE 34TH.

When consuls of either nation may aid citizens of the other.

The consuls of one of the contracting republics residing in another country may employ their good offices in favor of individuals of the other republic which has no consul in that country.

ARTICLE 35TH.

Diplomatic character not recognized in consuls.

Consular prerogatives.

The contracting republics recognize no diplomatic character in consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character; but in order that the said consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives:

1st. The consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the archives or papers there deposited. In no case shall those offices or dwellings be used as places of asylums. When, however, a consular officer is engaged in business, the papers relating to the consulate shall be kept separate.

Offices, dwellings, and archives.

Asylum.

Independent of State in exercise of their functions.

2nd. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the state in whose territory they reside.

Exemption from contributions and arrest.

3rd. The consuls and their chancellors or secretaries shall be exempt from all public service and from contributions, personal and extraordinary, imposed in the country where they reside, and they shall be exempt from arrest, except in the case of offences which the local legislation qualifies as crimes and punishes as such. This exemption does not comprehend the consuls or their chancellors or secretaries who may be natives of the country in which they reside.

4th. No consular officer who is not a citizen of the country to which he is accredited shall be compelled to appear as a witness before the courts of the country where he resides. When the testimony of such consular officer is needed, it shall be asked in writing, or some one shall to go his house to take it viva voce. If, however, the testimony of a consular officer in either country should be necessary for the defence of a person charged with a crime and should not be voluntarily given, compulsory process requiring the presence of such consular officer as a witness may be issued.

Consuls as witnesses.

5th. In order that the dwellings of consuls may be easily and generally known for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coats of arms of the nation in whose service the consul may be, with an inscription expressing the functions discharged by him.

Arms and flag.

ARTICLE 36TH.

Passports, when not to be given by consuls.

Consuls shall not give passports to any individual of their nation, or going to their nation, who may be held to answer before any authority, court, or judge of the country for delinquencies committed by them, or for a demand which may have been legally acknowledged, provided that in each case proper notice thereof shall have been given to the consul.

ARTICLE 37TH.

The United States of America and the Republic of Salvador, desiring to make as durable as possible the relations which are to be established by virtue of this treaty, have declared solemnly, and do agree to the following points:

1st. This treaty is concluded for the term of ten years, dating from the exchange of the ratifications; and if one year before the expiration of that period neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said treaty, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place. Duration of treaty.

2nd. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby, each party engaging in no way to protect the offender or sanction such violation. Personal responsibility of citizens in infringing.

3d. If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of national right. Reprisals and declaration of war, how limited.

ARTICLE 38TH.

The treaty between the United States of America and the Republic of Salvador of the second day of January, one thousand eight hundred and fifty, is hereby abrogated, and the stipulations of the preceding treaty are substituted therefor. Abrogation of treaty of January 2, 1850.

ARTICLE 39TH.

This treaty shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Washington, within the space of twelve months. Ratifications.

In faith whereof the respective Plenipotentiaries have signed the aforegoing articles in the English and Spanish languages, and they have hereunto affixed their seals.

Done in duplicate, at the city of San Salvador, this sixth day of December, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] ALFRED T. A. TORBERT.
[SEAL.] GREGO. ARBIZÚ.

SAMOA.

1878.

TREATY OF FRIENDSHIP AND COMMERCE.

Concluded January 17, 1878; *ratifications exchanged at Washington February* 11, 1878; *proclaimed February* 13, 1878.

The Government of the United States of America and the Government of the Samoan Islands, being desirous of concluding a treaty of friendship and commerce, the President of the United States has for this purpose conferred full powers upon William M. Evarts, Secretary of State; and the Government of the Samoan Islands has conferred like powers upon MK. Le Mamea, its Envoy Extraordinary to the United States. And the said Plenipotentiaries having exchanged their full powers, which were found to be in due form, have agreed upon the following articles:

Negotiators.

ARTICLE I.

There shall be perpetual peace and friendship between the Government of the United States and the Government of the Samoan Islands.

Declaration of amity.

ARTICLE II.

Naval vessels of the United States shall have the privilege of entering and using the port of Pagopago, and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, and the Samoan Government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States or restrictive thereof. The same vessels shall also have the privilege of entering other ports of the Samoan Islands. The citizens of the United States shall likewise have free liberty to enter the same ports with their ships and cargoes of whatsoever kind, and to sell the same to any of the inhabitants of those islands, whether natives or foreigners, or to barter them for the products of the islands. All such traffic in whatever articles of trade or barter shall be free, except that the trade in fire-arms and munitions of war in the islands shall be subject to regulations by that Government.

Privileges of United States vessels in Samoan ports.

ARTICLE III.

No import or export duty shall be charged on the cargoes of the vessels of the United States entering or clearing from the ports of the Samoan Islands, and no other than a tonnage duty of one half of one per cent. per ton actual measurement* shall be charged on the entrance of such vessels.

Duties.

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*MEMORANDUM.—The words "one-half of one per cent. per ton actual measurement" in Article III, are understood to mean at the rate of one-half cent on each ton, and they are not deemed susceptible of any other meaning.

MK. LE MAMEA.

DEPARTMENT OF STATE,
Washington, February 9, 1878.

ARTICLE IV.

All disputes between citizens of the United States in the Samoan Islands, whether relating to civil matters or to offences or crimes, shall be heard and determined by the Consul of the United States at Apia, Samoa, under such regulations and limitations as the United States may provide; and all disputes between citizens of the United States and the people of those Islands shall be heard by that Consul in conjunction with such officer of the Samoan Government as may be designated for that purpose. Crimes and offences in cases where citizens of the United States may be convicted shall be punished according to the laws of their country; and in cases where the people of the Samoan Islands may be convicted, they shall be punished pursuant to Samoan laws and by the authorities of that country.

Disputes in which United States citizens are parties.

ARTICLE V.

If, unhappily, any differences should have arisen, or shall hereafter arise, between the Samoan Government and any other Government in amity with the United States, the Government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foundation.

Differences between Samoa and other powers.

ARTICLE VI.

The Government of Samoa agrees to allow to the Government and citizens of the United States free and equal participation in any privileges that may have been or may hereafter be granted to the Government, citizens, or subjects of any other nation.

Most favored nation.

ARTICLE VII.

The present treaty shall remain in force for ten years from its date. If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either party shall have given notice to the other of such intention.

Duration of treaty.

ARTICLE VIII.

The present treaty shall be ratified and the ratifications exchanged as soon as possible.

Ratifications.

In faith whereof the Plenipotentiaries have signed and sealed this treaty at Washington, the seventeenth day of January, one thousand eight hundred and seventy eight.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] MK. LE MAMEA.

SARDINIA.

1838.*

TREATY OF COMMERCE AND NAVIGATION AND SEPARATE ARTICLE TO SAME.

Concluded November 26, 1838; ratifications exchanged at Washington March 18, 1839; proclaimed March 18, 1839.

The United States of America and His Majesty the King of Sardinia, desirous of consolidating the relations of good understanding which have hitherto so happily subsisted between their respective States and of facilitating and extending the commercial intercourse between the two countries, have agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, for which purpose the President of the United States has conferred full powers on Nathaniel Niles, their Special Agent near His Sardinian Majesty, and His Majesty the King of Sardinia has conferred like powers on the Count Clement Solar de la Marguerite, Grand Cross of the Military and Religious Order of S. Maurice and S. Lazarus, of Isabella the Catholic of Spain, and Knight of the Order of Christ, his First Secretary of State for the Foreign Affairs;

Negotiators.

And the said Plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports and commercial places of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

Commerce and navigation.

ARTICLE II.

Sardinian vessels arriving either laden or in ballast in the ports of the United States of America, and reciprocally vessels of the United States arriving either laden or in ballast in the ports of the dominions of His Sardinian Majesty, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect

Vessels of either party arriving in the ports of the other.

* See Notes: "Abrogated, suspended, or obsolete treaties."

to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the fees and perquisites of public officers and other duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

ARTICLE III.

All kind of merchandise and articles of commerce either the produce of the soil or the industry of the United States of America or of any other country, which may be lawfully imported into the ports of the dominions of Sardinia in Sardinian vessels, may also be so imported in vessels of the United States of America without paying other or higher duties or charges of whatever kind or denomination levied in the name or to the profit of the Government, the local authorities or of any private establishment whatsoever, than if the same merchandise or produce had been imported in Sardinian vessels. And reciprocally all kind of merchandise and articles of commerce, either the produce of the soil, or of the industry of the dominions of Sardinia or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Sardinian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or produce had been imported in vessels of United States of America.

No discriminating duties on imports on account of nationality of vessels importing same.

ARTICLE IV.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles are to their full extent applicable to Sardinian vessels and their cargoes arriving in the ports of the United States of America, and reciprocally to vessels of the said States and their cargoes arriving in the ports of the dominions of Sardinia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

Preceding stipulations, how applicable.

ARTICLE V.

All kind of merchandise and articles of commerce, which may lawfully be exported from the ports of the United States of America in national vessels, may also be exported therefrom in Sardinian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And reciprocally all kind of merchandise and articles of commerce which may be lawfully exported from the ports of the Kingdom of Sardinia in national vessels may also be exported therefrom in vessels of the United States of America without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in Sardinian vessels.

No discriminating duties on exports on account of nationality of vessels exporting same.

United States vessels may export from Sardinia.

ARTICLE VI.

No discrimination in duties on account of nationality of imports.

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Sardinia, and no higher or other duties shall be imposed on the importation into the Kingdom of Sardinia of any article the produce or manufacture of the United States, than are or shall be payable on the same article being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce of or the manufacture of the United States or of Sardinia, to or from the ports of the United States, or to or from the ports of the Kingdom of Sardinia, which shall not equally extend to all other nations.

ARTICLE VII.

Coasting trade excepted.

It is expressly understood and agreed that the preceding articles do not apply to the coastwise navigation of either of the two countries, which each of the two high contracting parties reserves exclusively to itself.

ARTICLE VIII.

No discrimination in purchase of imports on account of nationality of vessel importing same.

No priority or preference shall be given directly or indirectly by either of the high contracting parties, nor by any company, corporation, or agent acting in their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account of, or in reference to, the character of the vessel, whether it be of the one party or the other, in which such article was imported, it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE IX.

Most favored nation.

If either party shall hereafter grant to any other nation any particular favor in commerce or navigation, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the same or an equivalent compensation, when the grant is conditional.

ARTICLE X.

Vessels to be on the same footing as those of the most favored nations.

Vessels of either of the high contracting parties arriving on the coasts of the other, but without the intention to enter a port, or having entered not wishing to discharge the whole or any part of their cargoes, shall enjoy in this respect the same privileges and be treated in the same manner as the vessels of the most favored nations.

ARTICLE XI.

Shipwreck.

When any vessel belonging to either of the contracting parties or to their citizens or subjects, shall be wrecked, foundered, or otherwise suffer damage on the coasts or within the dominions of the other, there shall be given to such vessel and all persons on board every aid and protection, in like manner as is usual and customary to vessels of the nation where such shipwreck or damage happens;

and such shipwrecked vessel, its merchandise, and other effects, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled to receive them, upon the payment of such costs of salvage as would have been paid by national vessels in the same circumstances.

ARTICLE XII.

Vessels forced into port.

Sardinian merchant-vessels being forced from stress of weather or other unavoidable causes to enter a port of the United States of America, and reciprocally merchant-vessels of the said States entering the ports of His Sardinian Majesty from similar causes, shall be exempt from port charges and all other duties levied to the profit of the Government, in case the causes which have rendered such entry necessary are real and evident, provided such vessel does not engage in any commercial operation while in port, such as loading and unloading merchandise, it being understood, nevertheless, that the unloading and reloading rendered necessary for the repair of the said vessel shall not be considered an act of commerce affording ground for the payment of duties, and provided also that the said vessel shall not prolong her stay in port beyond the time necessary for the repair of her damages.

ARTICLE XIII.

Vessels entering a blockaded port.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant-vessel, belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not however be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

ARTICLE XIV.

Articles of commerce allowed to pass from Genoa through the Sardinian territories.

All articles of commerce the growth or manufacture of the United States of America, and the products of their fisheries, with the exception of salt, gunpowder, and tobacco manufactured for use, shall be permitted to pass in transitu from the free port of Genoa through the territories of His Sardinian Majesty to any point of the inland frontier of the said territories; and, vice versa, all articles of commerce coming from any one point of the Sardinian inland frontier, destined for the United States, shall be permitted to pass the territories of His Sardinian Majesty to the free port of Genoa without being liable to the payment of any duty whatever levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, other than such as are required to meet the expenses of the necessary precautionary measures against smuggling, which precautionary measures to be observed in regard to transit to the frontier shall be the same whether the said articles of commerce are imported by the vessels of the one or of the other of the

high contracting parties. But if peculiar circumstances or considerations should render the re-establishment of transit duties necessary on the said articles of commerce directed to any one point of the Sardinian frontier, the Sardinian Government, in reserving to itself the full right to establish such duty, engages to notify to the Government of the United States such determination six months before any such transit duty shall be exacted. It is also understood that all articles of commerce imported directly from the United States of America shall be taken and considered as the products of the said States, and shall be entitled equally and in like manner, with the exceptions above mentioned in the present article, to a free transit through the territories of His Sardinian Majesty.

Notice of transit duty to be given.

Articles imported directly from United States.

ARTICLE XV.

The two high contracting parties reciprocally grant to each other the liberty of having each in the ports and other commercial places of the other, Consuls, Vice-Consuls, and Commercial Agents of their own appointment, who shall enjoy the same privileges, powers, and exemptions as those of the most favored nations. But if any of such Consuls shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation, or subjects or citizens of the most favored nations are subject in the same places, in respect to their commercial transactions.

Consuls.

ARTICLE XVI.

It is especially understood that whenever either of the two contracting parties shall select for a consular agent to reside in any port or commercial place of the other party a subject or citizen of this last, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a subject or citizen of the nation to which he belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions, or affect the inviolability of the consular archives.

Citizens of one party appointed consuls by the other.

ARTICLE XVII.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and emprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation thus substantiated, the surrender shall not be refused. Such deserters when arrested shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other

Application by consuls to local authorities.

vessel whatsoever. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not again be arrested for the same cause. If, however, the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case should be depending shall have pronounced its sentence and such sentence shall have been carried into execution.

Deserters.

ARTICLE XVIII.

The citizens and subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof either by themselves or by others acting for them and dispose of the same at will, paying such taxes and dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And, in case of the absence of the representatives, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawfull owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall finally be decided by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would by the laws of the land descend on a citizen or subject of the other party who by reason of alienage may be incapable of holding it, he shall be allowed a reasonable time to sell such real estate, and to withdraw and export the proceeds without molestation and without paying to the profit of the respective Governments any other dues, taxes, or charges than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases.

Personal property may be disposed of by will or otherwise.

Inherited real estate, how disposed of.

ARTICLE XIX.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if, twelve months before the expiration of that period, neither of the high contracting parties shall have announced to the other by an official notification its intention to arrest the operation of the said treaty, it shall remain obligatory one year beyond that time, and so on until the expiration of the twelve months which will follow a similar notification, whatever is the time at which it may take place.

Duration of treaty.

ARTICLE XX.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Sardinia; and the ratifications shall be exchanged in the city of Washington within ten months from the date of the signature thereof, or sooner if possible.

Ratifications.

In faith whereof the Plenipotentiaries of the contracting parties have signed the present treaty, and thereto affixed their respective seals.

Done at Genoa this 26th November, 1838.

[SEAL.] NATHANIEL NILES.

[SEAL.] SOLAR DE LA MARGUERITE.

SEPARATE ARTICLE.

Differential duties.

Circumstances of a peculiar nature rendering it necessary for His Sardinian Majesty to continue for a time differential duties, to the disadvantage of foreign flags, on grain, olive-oil, and wine, imported directly from the Black Sea, the ports of the Adriatic, and of those of the Mediterranean, as far as Cape Trafalgar, nothwithstanding the general provisions of the articles No. 2, 3, and 4 of the present treaty, it is distinctly understood and agreed by the high contracting parties, that the United States shall have full and entire liberty to establish countervailing differential duties on the same articles imported from the same places to the disadvantage of the Sardinian flag, in case the existing or any other differential duties on the said articles shall be continued in force, to the disadvantage of the flag of the United States of America, by His Sardinian Majesty, beyond a period of four years, counting from the day of the exchange of the ratifications of the present treaty and separate article, but all countervailing differential duties on the said articles shall cease to be exacted from the time the United States Government shall have been informed officially of the discontinuance of differential duties on the part of His Sardinian Majesty.

Effect of this article.

The present separate article shall have the same force and value as if it were inserted word for word in the treaty signed this day, and shall be ratified in the same time.

In faith whereof we, the undersigned, by virtue of our full powers, have signed the present separate article, and thereto affixed our respective seals.

Done at Genoa the 26th November, 1838.

[SEAL.] NATHANIEL NILES.
[SEAL.] SOLAR DE LA MARGUERITE.

SAXONY.

1845.

CONVENTION FOR THE MUTUAL ABOLITION OF THE DRIOT D'AUBAINE AND TAXES ON EMIGRATION.

Concluded May 14, 1845; *ratifications exchanged at Berlin August* 12, 1846; *proclaimed September* 9, 1846.

The United States of America, on the one part, and His Majesty the King of Saxony, on the other part, being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects, have agreed to enter into negotiations for this purpose.

For the attainment of this desirable object, the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Prussia, and His Majesty the King of Saxony upon John DeMinckwitz, his Minister of State, Lieutenant-General, Envoy Extraordinary and Minister Plenipotentiary at the said Court; Negotiators.

Who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

ARTICLE I.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration, is hereby and shall remain abolished between the two contracting parties, their States, citizens, and subjects, respectively. Droit d'aubaine abolished.

ARTICLE II.

Where, on the death of any person holding real property within the territories of one party, such real property would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, or where such real property has been devised by last will and testament to such citizen or subject, he shall be allowed a term of two years from the death of such person—which term may be reasonably prolonged according to circumstances—to sell the same and to withdraw the proceeds thereof without molestation, and exempt from all duties of détraction on the part of the Government of the respective States. Heirs to real property allowed to sell the same and withdraw the proceeds.

ARTICLE III.

Personal property.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise; and their heirs, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

Property of absent heirs.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken, in a like case, of the property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to Article II, may take measures to receive or dispose of the inheritance.

ARTICLE V.

Disputes to be settled by local laws.

If any dispute should arise between the different claimants to the same inheritance, they shall be decided according to the laws and by the judges of the country where the property is situated.

ARTICLE VI.

Stipulation of the present convention to apply to property already inherited, but not yet withdrawn.

All the stipulations of the present convention shall be obligatory in respect to property already inherited, devised, or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

ARTICLE VII.

Ratifications.

This convention shall be ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Majesty the King of Saxony, and the ratifications shall be exchanged at Berlin within the term of eighteen months from the date of the signature, or sooner if possible.

In faith of which, the respective Plenipotentiaries have signed the above articles, both in German and English, and have thereto affixed their seals.

Done in triplicata, in the city of Berlin, on the 14th of May, in the year of our Lord one thousand eight hundred and forty-five, and the sixty-ninth of the Independence of the United States of America.

[SEAL.] HENRY WHEATON.
[SEAL.] MINCKWITZ.

SCHAUMBURG-LIPPE.

1854.

DECLARATION * OF ACCESSION TO THE CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE, OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, AND TO ADDITIONAL ARTICLE THERETO OF NOVEMBER 16, 1852.

Dated June 7, 1854; proclaimed July 26, 1854.

Whereas a treaty for the reciprocal extradition of fugitive criminals, in special cases, was concluded between Prussia and other States of the Germanic Confederation on the one hand, and the United States of North America on the other, under date of June 16th, 1852, at Washington, by the Plenipotentiaries of the contracting parties, and has been ratified by the contracting Governments; and whereas, in the second article of the same, the United States of North America have declared that they agree that the stipulations of the aforesaid treaty shall be applicable to any other State of the Germanic Confederation which shall have subsequently declared its accession to the treaty: Now, therefore, in accordance therewith, the Government of His Serene Highness the Reigning Prince of Schaumburg-Lippe, hereby declares its accession to the aforesaid treaty of June 16th, 1852, which is, word for word, as follows:

[The original declaration here includes a copy in German and English of the treaty of June 16, 1852, and of the additional article thereto of November 16, 1852.]

Extradition treaty between United States and Germanic States acceded to.

and hereby expressly gives assurance that each and every article and stipulation of this treaty shall be faithfully observed and enforced within the territory of the Principality of Schaumburg-Lippe.

In testimony whereof, the Government of the Prince, in the name of His Serene Highness the Reigning Prince of Schaumburg-Lippe, has executed the present declaration of accession, and caused the seal of the Government to be thereunto affixed.

Done at Buckeburg, the seventh day of June, one thousand eight hundred and fifty-four.

The Government of the Prince of Schaumburg-Lippe.

V. SAUER.

[SEAL.] WERNER.

* Translation.

SERBIA.

1881.

CONVENTION FOR FACILITATING AND DEVELOPING COMMERCIAL RELATIONS.

Concluded at Belgrade October 14, 1881; *ratifications exchanged at Belgrade November* 15, 1882; *proclaimed December* 27, 1882.

The United States of America and His Highness the Prince of Serbia, animated by the desire of facilitating and developing the commercial relations established between the two countries, have determined with this object to conclude a treaty, and have named as their respective plenipotentiaries, viz:

Negotiators.

The United States of America, Eugene Schuyler, their chargé d'affaires and consul-general at Bucarest: His Highness the Prince of Serbia, Monsieur Ched. Mijatovitch, His Minister of Foreign Affairs, Grand Officer of His Order of Takova, &c., &c., &c.,

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Freedom of commerce and navigation.

There shall be reciprocally full and entire liberty of commerce and navigation between the citizens and subjects of the two high contracting powers, who shall be at liberty to establish themselves freely in each other's territory.

Privileges of citizens of one nation in the territory of the other.

Citizens of the United States in Serbia and Serbian subjects in the United States shall reciprocally, on conforming to the laws of the country, be at liberty freely to enter, travel or reside in any part of the respective territories, to carry on their business, and shall enjoy in this respect for their persons and property the same protection as that enjoyed by natives or by the subjects of the most favored nation.

They shall be at liberty to exercise their industry and trade, both by wholesale and by retail, in the whole extent of both territories, without being subjected as to their persons or property, or with regard to the exercise of their trade or business, to any taxes, whether general or local, or to any imposts or conditions of any kind other or more onerous than those which are or may be imposed upon natives or upon the subjects of the most favored nation.

In like manner in all that relates to local taxes, customs, formalities, brokerage, patterns or samples introduced by commercial travelers, and all other matters connected with trade, citizens of the United States

in Serbia and Serbian subjects in the United States shall enjoy the treatment of the most favored nation, and all the rights, privileges, exemptions and immunities of any kind enjoyed with respect to commerce and industry by the citizens or subjects of the high contracting parties, or which are or may be hereafter conceded to the subjects of any third power, shall be extended to the citizens or subjects of the other.

ARTICLE II.

In all that concerns the right of acquiring, or possessing or disposing of every kind of property, real or personal, citizens of the United States in Serbia and Serbian subjects in the United States, shall enjoy the rights which the respective laws grant or shall grant in each of these states to the subjects of the most favored nation. Real and personal property, may be acquired and disposed of.

Within these limits, and under the same conditions as the subjects of the most favored nation, they shall be at liberty to acquire and dispose of such property, whether by purchase, sale, donation, exchange, marriage contract, testament, inheritance, or in any other manner whatever, without being subject to any taxes, imposts or charges whatever, other or higher than those which are or shall be levied on natives or on the subjects of the most favored state.

They shall likewise be at liberty to export freely the proceeds of the sale of their property, and their goods in general, without being subjected to pay any other or higher duties than those payable under similar circumstances by natives or by the subjects of the most favored state.

ARTICLE III.

Merchants, manufacturers, and trades people in general of one of the two contracting countries traveling in the other, or sending thither their clerks and agents—whether with or without samples—in the exclusive interest of the commerce or industry that they carry on, and for the purpose of making purchases or sales or receiving commissions, shall be treated with regard to their licenses, as the merchants, manufacturers and trades people of the most favored nation. Reciprocal liberty to transact business.

It is understood, however, that the preceding stipulations do not affect in any way the laws and regulations in force in each of the two countries applicable to all foreigners as respects peddling and hawking.

The citizens and subjects of the Contracting Parties shall be reciprocally treated as the natives of the country or as the subjects of the most favored nation, when they shall go from one country to the other to visit fairs and markets for the purpose of exercising their commerce and selling their products.

No obstacle shall be placed in the way of the free movements of travelers, and the administrative formalities relative to traveling passports shall be restricted to the strict necessities of the public service on passing the frontiers. Travelers.

ARTICLE IV.

Citizens of the United States in Serbia and Serbian subjects in the United States shall be reciprocally exempted from all personal service, whether in the army by land or by sea; whether in the national guard or militia; from billeting; from all contributions, whether pecuniary or in kind, destined as a compensation for personal service; from all forced loans, and from all mili- Exemption from military service, forced loans, and taxes.

tary exactions or requisitions. The liabilities, however, arising out of the possession of real property and for military loans and requisitions to which all the natives might be called upon to contribute as proprietors of real property or as farmers, shall be excepted.

They shall be equally exempted from all obligatory official, judicial, administrative or municipal functions whatever.

Access to courts of justice.

They shall have reciprocally free access to the courts of justice on conforming to the laws of the country, both for the prosecution and for the defense of their rights in all the degrees of jurisdiction established by the laws. They can employ in every case advocates, lawyers and agents of all classes authorized by the law of the country, and shall enjoy in this respect, and as concerns domiciliary visits to their houses, manufactories, warehouses or shops, the same rights and advantages as are or shall be granted to the natives of the country, or to the subjects of the most favored nation.

It is understood that every favor or exemption which shall be subsequently granted in this matter to the subjects of a foreign country by one of the two contracting powers shall be immediately and by right extended to the citizens or subjects of the other party.

ARTICLE V.

Prohibition of importation, exportation, or transit if established shall affect all nations.

Neither of the contracting parties shall establish a prohibition of importation, exportation or transit against the other which shall not be applicable at the same time to all other nations, except the special measures that the two countries reserve to themselves the right of establishing for a sanitary purpose, or in event of a war.

ARTICLE VI.

Reciprocal rights as to amount of duties on imports and exports.

As to the amount, the guarantee and the collection of duties on imports and exports, as well as regards transit, re-exportation, warehousing, local dues and custom-house formalities, each of the two high contracting parties binds itself to give to the other the advantage of every favor, privilege or diminution in the tariffs on the import or export of the articles mentioned or not in the present convention, that it shall have granted to a third power. Also every favor or immunity which shall be later granted to a third power shall be immediately extended and without condition, and by this very fact to the other contracting party.

ARTICLE VII.

Equality of duties on products of either country.

The products of the soil or of the industry of Serbia which shall be imported into the United States of America, and the products of the soil or of the industry of the United States which shall be imported into Serbia, and which shall be destined for consumption in the country, for warehousing, for re-exportation or for transit, shall be subjected to the same treatment, and shall not be liable to other or higher duties than the products of the most favored nation.

ARTICLE VIII.

Transit duty.

Merchandise of every kind coming from one of the two territories or going thither shall be reciprocally exempted in the other, from every transit duty, whether it pass directly through the country, or whether during the transit it shall be unloaded, stored

and reloaded without prejudice to the special regulations which, conformably to Article V., may be established concerning gunpowder and arms of war.

ARTICLE IX.

As concerns the custom-house laws and regulations on goods subjected to *ad valorem* duty, the importers and the products of one of the two countries shall be in all respects treated in the other as the importers and products of the most favored country.

Goods subject to ad valorem duty.

ARTICLE X.

The provisions of the preceding articles relative to the treatment in all respects like the subjects of the most favored state shall not affect the special facilities which have been or may be hereafter conceded on the part of one of the two states to neighboring states with respect to the local traffic between the conterminous frontier districts.

Exceptions as to neighboring states.

ARTICLE XI.

It is agreed that, as regards freight and all other facilities, goods of the United States, conveyed over Serbian railways, and Serbian goods conveyed over railways of the United States, shall be treated in exactly the same manner as the goods of any other nation the most favored in that respect.

Freight on railways.

ARTICLE XII.

The high contracting parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens and subjects, agree that any counterfeiting in one of the two countries of the trade-marks affixed in the other on merchandise to show its origin and quality shall be strictly prohibited and repressed and shall give ground for an action of damages in favor of the injured parties, to be prosecuted in the courts of the country in which the counterfeit shall be proven.

Counterfeiting of trade-marks.

The trade-marks in which the citizens or subjects of one of the two countries may wish to secure the right of property in the other, must be registered exclusively, to wit: The marks of citizens of the United States in the Tribunal of Commerce at Belgrade, and the marks of Serbian subjects in the Patent Office at Washington, subject to the conditions and restrictions prescribed by the laws and regulations of the country in which the trade-marks are registered.

Trade-marks.

ARTICLE XIII.

Ships of the United States and their cargoes shall in Serbia, and Serbian ships and their cargoes shall in the United States, from whatsoever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as the ships and cargoes of the most favored state.

Ships and cargoes, treatment of.

The preceding stipulation applies to local treatment, dues and charges in the ports, basins, docks, roadsteads, harbors and rivers of the two countries, pilotage, and generally to all matters connected with navigation.

Every favor or exemption in these respects, or any other privilege in matters of navigation which either of the contracting parties shall grant to a third power shall be extended immediately and unconditionally to the other party.

ARTICLE XIV.

Duration of treaty.

The present treaty shall remain in force for ten years from the day of the exchange of ratifications, and if twelve months before the expiration of that period neither of the high contracting parties shall have announced to the other its intention to terminate the said treaty, it shall remain obligatory until the expiration of one year from the day when either of the high contracting parties shall have denounced it.

The preceding stipulations shall come into force in the two countries one month after the exchange of ratifications.

ARTICLE XV.

Ratifications.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Highness the Prince of Serbia, and the ratifications shall be exchanged at Belgrade as soon as possible.

In faith whereof the plenipotentiaries of the two high contracting parties have signed the present treaty in duplicate in the English and Serbian languages, and thereto affixed their respective seals.

Done in duplicate at Belgrade this 2-14 day of October, 1881.

[SEAL.] EUGENE SCHUYLER.
[SEAL.] CH. MIJATOVICH.

1881.

CONVENTION CONCERNING THE RIGHTS AND PRIVILEGES OF CONSULS.

Concluded at Belgrade October 14, 1881; *ratifications exchanged at Belgrade November* 15, 1882; *proclaimed December* 27, 1882.

The President of the United States of America and His Highness the Prince of Serbia, being mutually desirous of defining the rights, privileges and immunities of consular officers in the two countries, as well as their functions and obligations, have resolved to conclude a consular convention, and have accordingly named as their plenipotentiaries:

Negotiators.

The President of the United States, Eugene Schuyler, chargé d'affaires and consul-general of the United States at Bucarest; His Highness the Prince of Serbia, Monsieur Ched. Mijatovitch, His Minister of Foreign Affairs, Grand Officer of His Order of Takova, &c., &c., &c.

Who, after having communicated to each other their respective full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE I.

Consular officers to be received.

Each of the high contracting parties agrees to receive from the other consuls-general, consuls, vice-consuls and consular agents in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however,

shall not apply to one of the high contracting parties without also applying to every other power.

ARTICLE II.

The consuls-general, consuls, vice-consuls and consular agents of the two high contracting parties shall enjoy reciprocally, in the states of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument, they shall be permitted to enjoy the rights, privileges and immunities granted by this convention.

Exequatur.

ARTICLE III.

Consuls-general, consuls, vice-consuls and consular agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest, except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, state or municipal, imposed upon persons either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions. This exemption shall not, however, apply to consuls-general, consuls, vice-consuls or consular agents engaged in any profession, business or trade; but said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

Exemption from arrest, military service, and taxation.

ARTICLE IV.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul or consular agent, who is a citizen of the State which appointed him and who is engaged in no commercial business, it shall request him, in writing, to appear before it; and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

Testimony of consuls.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the Amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to the consuls of the United States in Serbia, in the like cases.

Witnesses in criminal cases.

ARTICLE V.

Consuls-general, consuls, vice-consuls and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate-General, or Consulate, or Vice-Consulate, or Consular Agency of the United States or of Serbia.

Arms and flags.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

ARTICLE VI.

Consular offices to be inviolable.

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

ARTICLE VII.

Death or absence of consul.

In the event of the death, incapacity or absence of consuls-general, consuls, vice-consuls and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington or to the Ministry of Foreign Affairs in Serbia, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

ARTICLE VIII.

Power of consuls to appoint vice-consuls and consular agents.

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports and places within their consular jurisdiction.

These agents may be selected from among citizens of the United States or of Serbia, or those of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles 3 and 4.

ARTICLE IX.

Application by consuls to governmental authorities.

Consuls-general, consuls, vice consuls and consular agents shall have the right to address the administrative and judicial authorities, whether in the United States of the Union, the States or the municipalities, or in Serbia, of the State or the Commune, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Serbia, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

ARTICLE X.

Depositions before consuls.

Consuls-general, consuls, vice-consuls and consular agents may take at their offices, at their private residence, at the residence of the parties, or on board ship the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also re-

ceive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated, or to business to be transacted, in the territory of the nation to which the said consular officer may belong.

Such papers and official documents of every kind, whether in the original, in copies or in translation, duly authenticated and legalized by the consuls-general, consuls, vice-consuls and consular agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Serbia.

Verification and custody of certain papers.

ARTICLE XI.

In the case of the death of any citizen of the United States in Serbia, or of a Serbian subject in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall give information of the circumstance to the consuls or consular agents of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to the parties interested.

Death of citizens of one nation in the territory of the other.

Consuls-general, consuls, vice-consuls and consular agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs or creditors until they are duly represented.

ARTICLE XII.

In consideration of the present convention the United States consent to surrender the privileges and immunities hitherto enjoyed by their citizens in Serbia, in virtue of the capitulations with the Ottoman Empire, granted and confirmed to the United States by their treaties of 1830 and 1862.

The United States to surrender certain privileges.

Provided always, and it is hereby agreed, that the said capitulations shall, as regards all judicial matters, except those affecting real estate in Serbia, remain in full force as far as they concern the mutual relations between citizens of the United States and the subjects of those other powers which, having a right to the privileges and immunities accorded by the aforesaid capitulations, shall not have abandoned them.

ARTICLE XIII.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries and exchanged at Belgrade as soon as possible.

Duration of convention.

Ratifications.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof, the respective plenipotentiaries have signed this convention in duplicate, and have hereunto affixed their seals.

Done at Belgrade this 2–14 day of October, 1881.

[SEAL.] EUGENE SCHUYLER.

[SEAL.] CH. MIJATOVICH.

SIAM.

1833.

TREATY OF AMITY AND COMMERCE.

Concluded March 20, 1833; *ratifications exchanged at Bangkok April* 14, 1836; *proclaimed June* 24, 1837.

Negotiators.

His Majesty the Sovereign and Magnificent King in the City of Sia-Yut'hia has appointed the Chau Phaya-Phra-klang, one of the first Ministers of State, to treat with Edmund Roberts, Minister of the United States of America, who has been sent by the Government thereof, on its behalf, to form a treaty of sincere friendship and entire good faith between the two nations. For this purpose, the Siamese and the citizens of the United States of America shall, with sincerity, hold commercial intercourse in the ports of their respective nations as long as heaven and earth shall endure.

This treaty is concluded on Wednesday, the last of the fourth month of the year 1194, called Pi-marông-chat-tava-sôk (or the year of the Dragon), corresponding to the twentieth day of March, in the year of our Lord 1833. One original is written in Siamese, the other in English; but as the Siamese are ignorant of English, and the Americans of Siamese, a Portuguese and a Chinese translation are annexed, to serve as testimony to the contents of the treaty. The writing is of the same tenor and date in all the languages aforesaid. It is signed, on the one part, with the name of the Chau P'haya-P'hra-klang, and sealed with the seal of the lotus flower, of glass; on the other part, it is signed with the name of Edmund Roberts, and sealed with a seal containing an eagle and stars.

One copy will be kept in Siam, and another will be taken by Edmund Roberts to the United States. If the Government of the United States shall ratify the said treaty and attach the seal of the Government, then Siam will also ratify it on its part, and attach the seal of its Government.

ARTICLE I.

Declaration of amity. Perpetual peace.

There shall be a perpetual peace between the United States of America and the Magnificent King of Siam.

ARTICLE II.

Citizens of United States at liberty to enter the ports of Siam with their cargoes, and buy and sell goods.

The citizens of the United States shall have free liberty to enter all the ports of the Kingdom of Siam with their cargoes, of whatever kind the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the King, or others who may wish to purchase the same, or to barter the same for any produce or manufacture of the Kingdom, or

other articles that may be found there. No prices shall be fixed by the officers of the King on the articles to be sold by the merchants of the United States, or the merchandise they may wish to buy, but the trade shall be free on both sides to sell or buy or exchange on the terms and for the prices the owners may think fit. Whenever the said citizens of the United States shall be ready to depart, they shall be at liberty so to do, and the proper officers shall furnish them with passports: *Provided always*, There be no legal impediment to the contrary. Nothing contained in this article shall be understood as granting permission to import and sell munitions of war to any person excepting to the King, who, if he does not require, will not be bound to purchase them; neither is permission granted to import opium, which is contraband, or to export rice, which cannot be embarked as an article of commerce. These only are prohibited.

ARTICLE III.*

Vessels of the United States entering any port within His Majesty's dominions, and selling or purchasing cargoes of merchandise, shall pay, in lieu of import and export duties, tonnage, license to trade, or any other charge whatever, a measurement duty only as follows: The measurement shall be made from side to side, in the middle of the vessel's length; and, if a single-decked vessel, on such single deck; if otherwise, on the lower deck. On every vessel, selling merchandise, the sum of one thousand seven hundred Ticals, or Bats, shall be paid for every Siamese fathom in breadth, so measured; the said fathom being computed to contain seventy-eight English or American inches, corresponding to ninety-six Siamese inches; but if the said vessel should come without merchandise, and purchase a cargo with specie only, she shall then pay the sum of fifteen hundred Ticals, or Bats, for each and every fathom before described. Furthermore, neither the aforesaid measurement duty, nor any other charge whatever, shall be paid by any vessel of the United States that enters a Siamese port for the purpose of refitting, or for refreshments, or to inquire the state of the market.

Duties.

ARTICLE IV.

If hereafter the duties payable by foreign vessels be diminished in favor of any other nation, the same diminution shall be made in favor of the vessels of the United States.

Most favored nation. Stipulations as to duties.

ARTICLE V.

If any vessel of the United States shall suffer shipwreck on any part of the Magnificent King's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained at the expense of the King, until they shall find an opportunity to be returned to their country; and the property saved from such wreck shall be carefully preserved and restored to its owners; and the United States will repay all expenses incurred by His Majesty on account of such wreck.

Shipwrecks.

ARTICLE VI.

If any citizen of the United States, coming to Siam for the purpose of trade, shall contract debts to any individual of Siam, or if any individual of Siam shall contract debts to any citizen

Debts contracted in Siam.

*Measurement duty abolished by Article VII of the Treaty of May 29, 1856.

of the United States, the debtor shall be obliged to bring forward and sell all his goods to pay his debts therewith. When the product of such bona fide sale shall not suffice, he shall no longer be liable for the remainder, nor shall the creditor be able to retain him as a slave, imprison, flog, or otherwise punish him, to compel the payment of any balance remaining due, but shall leave him at perfect liberty.

ARTICLE VII.

Merchants of United States to rent the King's factories.

Merchants of the United States coming to trade in the Kingdom of Siam, and wishing to rent houses therein, shall rent the King's factories, and pay the customary rent of the country. If the said merchants bring their goods on shore, the King's officers shall take account thereof, but shall not levy any duty thereupon.

ARTICLE VIII.

Vessels captured by pirates to be restored to owners.

If any citizens of the United States, or their vessels, or other property, shall be taken by pirates and brought within the dominions of the Magnificent King, the persons shall be set at liberty, and the property restored to its owners.

ARTICLE IX.

Laws and customs of Siam to be respected.

Merchants of the United States trading in the Kingdom of Siam shall respect and follow the laws and customs of the country in all points.

ARTICLE X.

Consuls.

If hereafter any foreign nation other than the Portuguese shall request and obtain His Majesty's consent to the appointment of Consuls to reside in Siam, the United States shall be at liberty to appoint Consuls to reside in Siam, equally with such other foreign nation.

[SEAL.] EDMUND ROBERTS.

Whereas the undersigned, Edmund Roberts, a citizen of Portsmouth, in the State of New Hampshire, in the United States of America, being duly appointed an envoy, by letters-patent, under the signature of the President and seal of the United States of America, bearing date at the city of Washington, the twenty-sixth day of January, A. D. 1832, for negotiating and concluding a treaty of amity and commerce between the United States of America and His Majesty the King of Siam:

Now know ye, that I, Edmund Roberts, Envoy as aforesaid, do conclude the foregoing treaty of amity and commerce, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at the royal city of Sia-Yuthia, (commonly called Bankok,) on the twentieth day of March, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States of America the fifty-seventh.

[SEAL.] EDMUND ROBERTS.

1856.

TREATY OF AMITY AND COMMERCE.

Concluded at Bangkok, May 29, 1856; ratifications exchanged at Bangkok June 15, 1857; proclaimed August 16, 1858.

The President of the United States of America, and their Majesties Phra-Bard, Somdetch, Phra-Paramendr, Maha, Mongkut, Phra, Chom, Klau, Chau, Yu, Hua, the First King of Siam, and Phra, Bard, Somdetch, Phra, Pawarendr, Ramesr, Mahiswaresr, Phra, Pin, Klau, Chau, Yu, Hua, the second King of Siam, desiring to establish upon firm and lasting foundations the relations of peace and friendship existing between the two countries, and to secure the best interest of their respective citizens and subjects by encouraging, facilitating, and regulating their industry and trade, have resolved to conclude a treaty of amity and commerce for this purpose, and have therefore named as their Plenipotentiaries, that is to say:

The President of the United States, Townsend Harris, Esq., of New York, Consul-General of the United States of America for the Empire of Japan, and their Majesties the First and Second Kings of Siam, His Royal Highness the Prince Krom Hluang, Wongsa, Dhiraj, Snidh, His Excellency Somdetch, Chau, Phaya, Param, Maha, Bijai, Neate, His Excellency Chau, Phaya, Sri, Suriwongse, Samuha, Phra, Kralahom, His Excellency Chau, Phaya, Rawe, Wongee, Maha, Kosa, Dhipade, the Phra Klang, His Excellency Chau, Phaya, Yomray, the lord mayor; Negotiators.

Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

There shall, henceforward, be perpetual peace and friendship between the United States and their Majesties the First and Second Kings of Siam and their successors. Declaration of amity.

All American citizens coming to Siam shall receive from the Siamese Government full protection and assistance to enable them to reside in Siam in all security, and trade with every facility, free from oppression or injury on the part of the Siamese. Inasmuch as Siam has no ships trading to the ports of the United States, it is agreed that the ships of war of the United States shall render friendly aid and assistance to such Siamese vessels as they may meet on the high seas, so far as can be dône without a breach of neutrality; and all American Consuls, residing at ports visited by Siamese vessels, shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside. Mutual aid.

ARTICLE II.

The interests of all American citizens coming to Siam shall be placed under the regulations and control of a Consul, who will be appointed to reside at Bangkok. He will himself conform to and will enforce the observance by American citizens of all the provisions of this treaty, and such of the former treaty, negotiated by Mr. Edmund Roberts, in 1833, as shall still remain in operation. He shall American consul at Bangkok.

also give effect to all rules and regulations as are now or may hereafter be enacted for the government of American citizens in Siam, the conduct of their trade, and for the prevention of violations of the laws of Siam. Any dispute arising between American citizens and Siamese subjects shall be heard and determined by the Consul, in conjunction with the proper Siamese officers; and criminal offences will be punished in the case of American offenders, by the Consul, according to American laws, and in the case of Siamese offenders by their own laws, through the Siamese authorities. But the Consul shall not interfere in any matters referring solely to Siamese; neither will the Siamese authorities interfere in questions which only concern the citizens of the United States.

Consul to try offenders.

ARTICLE III.

If Siamese in the employ of American citizens offend against the laws of their country, or if any Siamese, having so offended, or desiring to desert, take refuge with American citizens in Siam, they shall be searched for, and, upon proof of their guilt or desertion, shall be delivered up by the Consul to the Siamese authorities. In like manner, any American offenders, resident or trading in Siam, who may desert, escape to, or hide themselves in Siamese territory, shall be apprehended and delivered over to the American Consul on his requisition.

Offenders to be mutually surrendered.

ARTICLE IV.

American citizens are permitted to trade freely in all the seaports of Siam, but may reside permanently only at Bangkok, or within the limits assigned by this treaty.

Right to trade.

American citizens coming to reside at Bangkok may rent land and buy or build houses, but cannot purchase land within a circuit of two hundred seng (not more than four miles English) from the city walls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese Government to enable them to do so. But with the exception of this limitation American residents in Siam may, at any time, buy or rent houses, lands, or plantations situated anywhere within a distance of twenty-four hours' journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel. In order to obtain possession of such lands or houses, it will be necessary that the American citizen shall, in the first place, make application through the Consul to the proper Siamese officer, and the Siamese officer and the Consul having satisfied themselves of the honest intentions of the applicant, will assist him in settling, upon equitable terms, the amount of the purchase money; will make out and fix the boundaries of the property, and will convey the same to the American purchaser under sealed deeds, whereupon he and his property shall be placed under the protection of the governor of the district, and that of the particular local authorities. He shall conform in ordinary matters to any just direction given him by them, and will be subject to the same taxation that is levied on Siamese subjects. But if, through negligence, the want of capital, or other cause, an American citizen should fail to commence the cultivation or improvements of the lands so acquired within a term of three years from the date of receiving possession thereof, the Siamese Government shall have the power of

Right to buy or rent houses and lands in Siam.

resuming the property upon returning to the American citizen the purchase money paid by him for the same.

ARTICLE V.

All American citizens visiting or residing in Siam shall be allowed the free exercise of their religion, and liberty to build places of worship in such localities as shall be consented to by the Siamese authorities. The Siamese Government will place no restriction upon the employment by the Americans of Siamese subjects as servants, or in any other capacity. But wherever a Siamese subject belongs or owes service to some particular master, the servant who engages himself to an American citizen without the consent of his master may be reclaimed by him, and the Siamese Government will not enforce an agreement between an American citizen and any Siamese in his employ, unless made with the knowledge and consent of the master who has a right to dispose of the services of the person engaged.

Religious freedom.

Siamese servants.

ARTICLE VI.

American ships of war may enter the river and anchor at Paknam; but they shall not proceed above Paknam unless with the consent of the Siamese authorities, which shall be given where it is necessary that a ship shall go into dock for repairs. Any American ship of war conveying to Siam a public functionary, accredited by the American Government to the Court of Bangkok, shall be allowed to come up to Bangkok, but shall not pass the forts called Phrachamit and Pit-pach-nuck, unless expressly permitted to do so by the Siamese Government. But, in the absence of an American ship of war, the Siamese authorities engage to furnish the Consul with a force sufficient to enable him to give effect to his authority over American citizens, and to enforce discipline among American shipping.

American ships of war.

Siamese to aid American consul.

ARTICLE VII.

The measurement duty hitherto paid by American vessels trading to Bangkok, under the treaty of 1833, shall be abolished from the date of this treaty coming into operation, and American shipping or trade will thenceforth only be subject to the payment of import and export duties on the goods landed or shipped.

On the articles of import the duty shall be three per cent., payable, at the option of the importer, either in kind or money, calculated upon the market value of the goods. Drawback of the full amount of duty shall be allowed upon goods found unsalable and re-exported. Should the American merchant and the custom-house officers disagree as to the value to be set upon imported articles, such disputes shall be referred to the Consul and a proper Siamese officer, who shall each have the power to call in an equal number of merchants as assessors, not exceeding two on either side, to assist them in coming to an equitable decision.

Import and export duties.

Value of imports settled.

Opium may be imported free of duty, but can only be sold to the opium farmer or his agents. In the event of no arrangement being effected with them for the sale of the opium, it shall be re-exported, and no impost or duty [shall be] levied thereon. Any infringement of this regulation shall subject the opium to seizure and confiscation.

Opium.

Articles of export, from the time of production to the date of shipment, shall pay one impost only, whether this be levied under the name of inland tax, transit duty, or duty on exportation. The tax or duty to be paid on each article of Siamese produce previous to or upon exportation is specified in the tariff attached to this treaty; and it is distinctly agreed that goods or produce that pay any description of tax in the interior shall be exempted from any further payment of duty on exportation. American merchants are to be allowed to purchase directly from the producer the articles in which they trade, and in like manner to sell their goods directly to the parties wishing to purchase the same, without the interference in either case of any other person.

Exports.

Right to purchase and sell.

The rates of duty laid down in the tariff attached to this treaty are those that are now paid upon goods or produce shipped in Siamese or Chinese vessels or junks; and it is agreed that American shipping shall enjoy all the privileges now exercised by, or which hereafter may be granted to, Siamese or Chinese vessels or junks.

Rates of duty.

Privileges of American shipping.

American citizens will be allowed to build ships in Siam on obtaining permission to do so from the Siamese authorities.

Whenever a scarcity may be apprehended of salt, rice, and fish, the Siamese Government reserve to themselves the right of prohibiting by public proclamation the exportation of these articles, giving 30 days (say thirty days) notice, except in case of war. Bullion or personal effects may be imported or exported free of charge.

Exportation of salt, rice, and fish.

Articles free of duty.

ARTICLE VIII.

The code of regulations appended to this treaty shall be enforced by the Consul, with the co-operation of the Siamese authorities; and they, the said authorities and Consul, shall be enabled to introduce any further regulations which may be found necessary in order to give effect to the objects of this treaty.

All fines and penalties inflicted for infraction of the provisions and regulations of this treaty shall be paid to the Siamese Government.

Fines and penalties.

ARTICLE IX.

The American Government and its citizens will be allowed free and equal participation in any privileges that may have been or may hereafter be granted by the Siamese Government to the Government, citizens, or subjects of any other nation.

Most favored nation.

ARTICLE X.

After the lapse of ten years from the date of the ratification of this treaty, upon the desire of either the American or Siamese Government, and on twelve months' notice given by either party, the present, and such portions of the treaty of 1833 as remain unrevoked by this treaty, together with the tariff and regulations thereunto annexed, or those that may hereafter be introduced, shall be subject to revision by commissioners appointed on both sides for this purpose, who will be empowered to decide on and insert therein such amendments as experience shall prove to be desirable.

Treaty may be revised in ten years.

ARTICLE XI.

This treaty, executed in English and Siamese, both versions having the same meaning and intention, shall take effect immediately, and the ratifications of the same shall be exchanged at Bangkok within eighteen months from the date thereof. Ratifications.

In witness whereof the above-named Plenipotentiaries have signed and sealed the present treaty in triplicate at Bangkok, on the twenty-ninth day of May, in the year one thousand eight hundred and fifty-six of the Christian era, and of the Independence of the United States the eightieth, corresponding to the tenth of the waning moon of the lunar month, Wesakh, or sixth month of the year of the Quadruped Serpent of the Siamese civil era, one thousand two hundred and eighteen, and the sixth of the reign of their Majesties the First and Second Kings of Siam.

[SEAL.] TOWNSEND HARRIS.
[SEALS.] SIGNATURES OF THE SIAMESE PLENIPOTENTIARIES.

General regulations under which American trade is to be conducted in Siam.

REGULATION* I. The master of every American ship coming to Bangkok to trade, must, either before or after entering the river, as may be found convenient, report the arrival of his vessel at the custom-house at Paknam, together with the number of his crew and guns, and the port from whence he comes. Upon anchoring his vessel at Paknam, he will deliver into the custody of the custom-house officers all his guns and ammunition, and a custom-house officer will then be appointed to the vessel, and will proceed in her to Bangkok. Vessels must discharge guns and ammunition on arrival

REGULATION II. A vessel passing Paknam without discharging her guns and ammunition, as directed in the foregoing regulation, will be sent back to Paknam, to comply with its provisions, and will be fined eight hundred ticals for having so disobeyed. After delivery of her guns and ammunition, she will be permitted to return to Bangkok to trade. Penalty for violation.

REGULATION III. When an American vessel shall have cast anchor at Bangkok, the master, unless a Sunday should intervene, will, within four and twenty hours after arrival, proceed to the American consulate and deposit there his ship's papers, bills of lading, &c., together with a true manifest of his import cargo; and upon the Consul's reporting these particulars to the custom-house, permission to break bulk will at once be given by the latter. Vessel's papers.

For neglecting so to report his arrival, or for presenting a false manifest, the master will subject himself, in each instance, to a penalty of four hundred ticals; but he will be allowed to correct, within twenty-four hours after delivery of it to the Consul, any mistake he may discover in his manifest, without incurring the above-mentioned penalty. Penalty for neglect.

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* This regulation was amended upon the proposition of Siamese Government, dated December 17, 1867, see page 1002.

Smuggling.

REGULATION IV. An American vessel breaking bulk and commencing to discharge before due permission shall be obtained, or smuggling, either when in the river or outside the bar, shall be subject to the penalty of eight hundred ticals, and confiscation of the goods so smuggled or discharged.

Clearance of vessels.

REGULATION V. As soon as an American vessel shall have discharged her cargo, and completed her outward lading, paid all her duties, and delivered a true manifest of her outward cargo to the American Consul, a Siamese port clearance shall be granted her, on application from the Consul, who, in the absence of any legal impediment to her departure, will then return to the master his ship's papers, and allow the vessel to leave. A custom-house officer will accompany the vessel to Paknam, and on arriving there she will be inspected by the custom-house officers of that station, and will receive from them the guns and ammunition previously delivered into their charge.

The English text of these regulations to be taken.

REGULATION VI. The American Plenipotentiary having no knowledge of the Siamese language, the Siamese Government have agreed that the English text of these regulations, together with the treaty of which they form a portion, and the tariff hereunto annexed, shall be accepted as conveying, in every respect, their true meaning and intention.

Stipulations as to American citizens intending to reside in Siam. Privileges, and prohibitions.

REGULATION VII. All American citizens intending to reside in Siam shall be registered at the American Consulate; they shall not go out to sea nor proceed beyond the limits assigned by the treaty for the residence of American citizens without a passport from the Siamese authorities, to be applied for by the American Consul; nor shall they leave Siam if the Siamese authorities show to the American Consul that legitimate objections exist to their quitting the country. But within the limits appointed under Article IV of the treaty, American citizens are at liberty to travel to and fro, under the protection of a pass to be furnished them by the American Consul, and counter-sealed by the proper Siamese officer, stating in the Siamese character their names, calling, and description. The Siamese officers at the Government stations in the interior may at any time call for the production of this pass; and immediately on its being exhibited, they must allow the parties to proceed; but it will be their duty to detain those persons who, by travelling without a pass from the Consul, render themselves liable to the suspicion of their being deserters, and such detention shall be immediately reported to the Consul.

[SEAL.] TOWNSEND HARRIS.
[SEALS.] SIGNATURES OF THE SIAMESE PLENIPOTENTIARIES.

Tariff of export and inland duties to be levied on articles of trade.

Articles paying export duty only.

SECTION I. The undermentioned articles shall be entirely free from inland or other taxes on production or transit, and shall pay export duty as follows:

	Tical.	Salung.	Fuang.	Hun.	
1. Ivory	10	0	0	0	per pecul.
Export duty. 2. Gamboge	6	0	0	0	"
3. Rhinoceros' horns	50	0	0	0	"
4. Cardamums, best	14	0	0	0	"
5. Ditto, bastard	6	0	0	0	"
6. Dried mussels	1	0	0	0	"
7. Pelicans' quills	2	2	0	0	"

	Tical.	Salung.	Fuang.	Hun.	
8. Betel nut, dried	1	0	0	0	per pecul.
9. Krachi wood	0	2	0	0	"
10. Sharks' fins, white	6	0	0	0	"
11. Ditto, black	3	0	0	0	"
12. Lukkrabau seed	0	2	0	0	"
13. Peacocks' tails	10	0	0	0	per 100 tails.
14. Buffalo and cow bones	0	0	0	3	per pecul.
15. Rhinoceros' hides	0	2	0	0	"
16. Hide cuttings	0	1	0	0	"
17. Turtle shells	1	0	0	0	"
18. Soft ditto	1	0	0	0	"
19. Bêche de mer	3	0	0	0	"
20. Fish maws	3	0	0	0	"
21. Birds' nests, uncleaned	20 per cent.				
22. Kingfishers' feathers	6	0	0	0	per 100.
23. Cutch	0	0	0	0	per pecul.
24. Beyché seed, (nux vomica)	0	2	0	0	"
25. Pungtarai seed	0	2	0	0	"
26. Gum Benjamin	4	0	0	0	"
27. Angrai bark	0	2	0	0	"
28. Agilla wood	2	0	0	0	"
29. Ray skins	3	0	0	0	"
30. Old deers' horns	0	1	0	0	"
31. Soft or young ditto	10 per cent.				
32. Deer hides, fine	8	0	0	0	per 100 hides.
33. Ditto, common	3	0	0	0	"
34. Deer sinews	4	0	0	0	per pecul.
35. Buffalo and cow hides	1	0	0	0	"
36. Elephants' bones	1	0	0	0	"
37. Tigers' bones	5	0	0	0	"
38. Buffalo horns	0	1	0	0	"
39. Elephants' hides	0	1	0	0	"
40. Tigers' skins	0	1	0	0	per skin.
41. Armadillo skins	4	0	0	0	per pecul.
42. Stick lac	1	1	0	0	"
43. Hemp	1	2	0	0	"
44. Dried fish, paheng	1	2	0	0	"
45. Ditto, plasalit	1	0	0	0	"
46. Sapan wood	0	2	1	0	"
47. Salt meat	2	0	0	0	"
48. Mangrove bark	0	1	0	0	"
49. Rosewood	0	2	0	0	"
50. Ebony	1	1	0	0	"
51. Rice	4	0	0	0	per royan.

SECTION II. The undermentioned articles, being subject to the inland or transit duties herein named, and which shall not be increased, shall be exempt from export duties. Articles paying inland duties only.

	Tical.	Salung.	Fuang.	Hun.	
Inland duty. 52. Sugar, white	0	2	0	0	per pecul
53. Ditto, red	0	1	0	0	"
54. Cotton cleaned and uncleaned	10 per cent.				
55. Pepper	1	0	0	0	"
56. Salt fish, platu	1	0	0	0	per 10,000 fish.
57. Beans and peas	one-twelfth.				
58. Dried prawns	one-twelfth.				
59. Tilseed	one-twelfth.				
60. Silk, raw	one-twelfth.				
61. Beeswax	one-fiftoenth.				
62. Tallow	1	0	0	0	per pecul.
63. Salt	6	0	0	0	per royan.
64. Tobacco	1	2	0	0	per 1,000 bundles.

SECTION III. All goods or produce unenumerated in this tariff shall be free of export duty, and shall only be subject to one inland tax or transit duty, not exceeding the rate now paid. Unenumerated articles to be free of duty.

[SEAL.] TOWNSEND HARRIS.
[SEALS.] SIGNATURES OF THE SIAMESE PLENIPOTENTIARIES.

1867.

MODIFICATION TO TREATY OF AMITY AND COMMERCE OF MAY 29, 1856.

Concluded December 17–31, 1867; *ratified August* 11, 1868.

No. 72.] UNITED STATES CONSULATE,
Bangkok, Decr. 31st, 1867.

To Hon. F. W. SEWARD,
Assistant Secretary of State, Washington, D. C.

SIR: I have the honor to inform the Department that I have received a letter from His Excellency Chaw Phaya Praklang, Minister of Foreign Affairs, informing me that the Royal Counsellors for the Kingdom of Siam desire to change article first of the Treaty Regulations, and that the change shall go into effect on January 1st, 1868. The article alluded to is as follows, viz:

"Every shipmaster upon anchoring his vessel at Paknam will deliver into the custody of the custom-house officers all his guns and ammunition, and a custom-house officer will then be appointed to the vessel, and will proceed in her to Bangkok."

The article as changed will require that the powder alone be left at Paknam, but that the guns be allowed to remain in the vessel. I have given my assent to the change, and all the other Consuls have done the same.

The change is a very advantageous one to shipmasters, as in [the] shipping and reshipping of their guns, some of which were heavy, was attended with much delay and expense; whereas they generally have but a few pounds of powder on board, which can be boxed up and put ashore in a very short time.

I have the honor to be, sir, your obedient servant,

J. M. HOOD,
U. S. Consul.

CHAW PHAYA PRAKLANG, MINISTER OF FOREIGN AFFAIRS OF THE KINGDOM OF SIAM.

To Mr. J. M. HOOD, *U. S. Consul*,

Saying: That the Senabodee of the Kingdom of Siam have considered this matter, and have come to the conclusion that as they saw that Siam was near the water, and that trading ships could ascend to the city, for this reason they asked a clause in the treaties that all guns and powder should be landed at Paknam before the ship would ascend the river. The Ministers Plenipotentiary also were of the same opinion, and yielded this point to the Siamese in the treaties.

When a vessel came in and the Chaw Pausk-nan at Paknam received the guns and powder off the vessel *that* [they] found it very difficult to take care of the powder, and were afraid of an explosion, and for this reason they did not receive the powder from the vessel, but simply the guns. But now a long time since the Senabodee are of the opinion that the taking off of the guns at Paknam is a source of trouble to the vessels, for they took off guns belonging to many persons, and when the vessels come down again it was often after night, and when the captains went for their guns the wrong ones were frequently taken, and when the vessel coming afterwards could not find her own guns, there was

a fuss, and the Siamese officers had frequently to pay for the guns. Again, the powder was left in the vessels, and they coming up and anchoring in the river, there was danger of an explosion and injury to the citizens here.

Therefore the Senabodee have ordered me to write to all the Consuls and ask that the custom be changed from January 1st, 1868. We ask to take out the powder of the vessels at Paknam, but the guns can be left in the vessels and need not be taken out. If you are also of the same opinion, you will please inform masters of vessels and others under your protection to this effect. When the vessel comes to Paknam let them take out all the powder, but if they refuse to let the powder be taken out, and it remains in the vessel, and there arises any difficulty from that fact, we [beg to] claim indemnity according to the treaty.

Given Tuesday, December 17th, 1867.

1884.

AGREEMENT REGULATING THE LIQUOR TRAFFIC IN SIAM.

Concluded May 14, 1884; *ratifications exchanged at Washington June* 30, 1884; *proclaimed July* 5, 1884.

The Government of the United States of America and the Government of His Majesty the King of Siam, being desirous of making satisfactory arrangements for the regulation of the traffic in spirituous liquors in Siam, the undersigned, duly authorized to that effect, have agreed as follows:

ARTICLE I.

Spirits of all kinds not exceeding in alcoholic strength those permitted to be manufactured by the Siamese Government in Siam may be imported and sold by citizens of the United States on payment of the same duty as that levied by the Siamese excise laws upon spirits manufactured in Siam; and spirits exceeding in alcoholic strength spirits manufactured in Siam as aforesaid may be imported and sold upon payment of such duty, and of a proportionate additional duty for the excess of alcoholic strength above the Siamese Government standard. Duty on spirits imported into Siam.

Beer and wines may be imported and sold by citizens of the United States on payment of the same duty as that levied by the Siamese excise laws upon similar articles manufactured in Siam, but the duty on imported beer and wines shall in no case exceed 10 per cent. ad valorem. Beer and wines

The said duty on imported spirits, beer, and wines shall be in substitution of, and not in addition to, the import duty of 3 per cent. leviable under the existing treaties; and no further duty, tax, or imposition whatever shall be imposed on imported spirits, beer, and wines.

The scale of excise duty to be levied upon spirits, beer, and wines manufactured in Siam shall be communicated by the Siamese Government to the Minister Resident and Consul-General of the United States at Bangkok, and no change in the excise duties shall affect citizens of the United States until after the expiration of six months from the date at which such notice shall have been communicated by the Siamese Government to the representative of the United States at Bangkok.

ARTICLE II.

Testing of spirits.

The testing of spirits imported into the kingdom of Siam by citizens of the United States shall be carried out by an expert designated by the Siamese authorities and by an expert designated by the Consul of the United States; in case of difference the parties shall designate a third person, who shall act as umpire, whose decision shall be final.

ARTICLE III.

Deleterious spirits.

The Siamese Government may stop the importation by citizens of the United States into Siam of any spirits which, on examination, shall be proved to be deleterious to the public health; and they may give notice to the importers, consignees, or holders thereof to export the same within three months from the date of such notice, and if this is not done the Siamese Government may seize the said spirits and may destroy them, provided always that in all such cases the Siamese Government shall be bound to refund any duty which may have been already paid thereon.

The testing of spirits imported by citizens of the United States, and which may be alleged to be deleterious, shall be carried out in the manner provided by Article II.

The Siamese Government engages to take all necessary measures to prohibit and prevent the sale of spirits manufactured in Siam which may be deleterious to the public health.

ARTICLE IV.

Retailing of liquors.

Any citizen of the United States who desires to retail spirituous liquors, beer, or wines in Siam, must take out a special license for that purpose from the Siamese Government, which shall be granted upon just and reasonable conditions to be agreed upon from time to time between the two Governments.

ARTICLE V.

Most favored nation privileges accorded United States importers of spirits.

Citizens of the United States shall at all times enjoy the same rights and privileges in regard to the importation and sale of spirits, beer, wines, and spirituous liquors in Siam as the subjects of the most favored nation; and spirits, beer, wines, and spirituous liquors coming from the United States shall enjoy the same privileges in all respects as similar articles coming from any other country the most favored in this respect.

It is therefore clearly understood that citizens of the United States are not bound to conform to the provisions of the present agreement to any greater extent than the subjects of other nations are so bound.

ARTICLE VI.

Duration of agreement.

Subject to the provisions of Article V., the present Agreement shall come into operation on a date to be fixed by mutual consent between the two Governments, and shall remain in force until the expiration of six months' notice given by either party to determine the same.

The existing treaty engagements between the United States and Siam shall continue in full force until the present Agreement comes into operation and after that date, except in so far as they are modified hereby.

Should the present Agreement be terminated, the treaty engagements between the United States and Siam shall revive, and remain as they existed previously to the signature hereof.

ARTICLE VII.

In this agreement the words "citizen of the United States" shall include any naturalized citizen of the United States, and the words "Consul-General of the United States" shall include any consular officer of the United States in Siam.

The present agreement shall be ratified, and its ratification shall be exchanged as soon as possible. Ratifications.

In witness whereof, the undersigned have signed the same in duplicate, and have affixed thereto their seals.

Done at Washington, the fourteenth day of May, 1884, corresponding to the fifth day of the waning moon of the month of Visagamas, of the year Wauk, sixth Decade 1246 of the Siamese astronomical era.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] NARÈS VARARIDDHI.

In the name of His Majesty Chulalonkorn I., King of Siam, and by His Royal Command and authority, I, Krom Mun Narès Vararidhi, His Majesty's duly empowered Envoy Extraordinary and Minister Plenipotentiary, hereby ratify and confirm the within Agreement and every part thereof.

Done at Washington this thirtieth day of June, 1884, being the eighth day of the waxing moon of the month Asalhamas of the year Wauk, sixth Decade 1246 of the Siamese astronomical era.

[SEAL.] NARÈS VARARIDDHI.

SPAIN.

1795.

TREATY OF FRIENDSHIP, LIMITS, AND NAVIGATION.

Concluded October 27, 1795; *ratifications exchanged at Aranjuez April* 25, 1796; *proclaimed August* 2, 1796.

His Catholic Majesty and the United States of America, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to establish, by a convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

With this intention, His Catholic Majesty has appointed the most excellent Lord Don Manuel de Godoy, and Alvarez de Faria, Rios, Sanchez, Zarzosa, Prince de la Paz, Duke de la Alcudia, Lord of the Soto de Roma, and of the State of Albalá, Grandee of Spain of the first class, perpetual Regidor of the city of Santiago, Knight of the illustrious Order of the Golden Fleece, and Great Cross of the Royal and distinguished Spanish Order of Charles the III, Commander of Valencia del Ventoso, Rivera, and Acenchal in that of Santiago; Knight and Great Cross of the religious Order of St. John; Counsellor of State; first Secretary of State and Despacho; Secretary to the Queen; Superintendent General of the Posts and Highways; Protector of the Royal Academy of the Noble Arts, and of the Royal Societies of Natural History, Botany, Chemistry, and Astronomy; Gentleman of the King's Chamber in employment; Captain General of his Armies; Inspector and Major of the Royal Corps of Body Guards, &a., &a., &a., and the President of the United States, with the advice and consent of their Senate, has appointed Thomas Pinckney, a citizen of the United States, and their Envoy Extraordinary to His Catholic Majesty. And the said Plenipotentiaries have agreed upon and concluded the following articles:

Negotiators.

ARTICLE I.

Declaration of amity.

There shall be a firm and inviolable peace and sincere friendship between His Catholic Majesty, his successors and subjects, and the United States and their citizens, without exception of persons or places.

ARTICLE II.*

Boundary line.

To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: The southern

* This article is annulled by Article XII of the Treaty of February 22, 1819.

boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the River Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the River Apalachicola, or Catahouche, thence along the middle thereof to its junction with the Flint; thence straight to the head of St. Mary's River, and thence down the middle thereof to the Atlantic Ocean. And it is agreed that if there should be any troops, garrisons, or settlements of either party in the territory of the other, according to the above-mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

ARTICLE III.*

Commissioners and surveyors to be appointed.

In order to carry the preceding article into effect, one Commissioner and one Surveyor shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the left side of the River Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. And if on any account it should be found necessary that the said Commissioners and Surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of His Majesty's troops in the two Floridas, and the commanding officer of the troops of the United States in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article.

ARTICLE IV.*

Western boundary of the United States.

It is likewise agreed that the western boundary of the United States which separates them from the Spanish colony of Louissiana, is in the middle of the channel or bed of the River Mississippi, from the northern boundary of the said States to the completion of the thirty-first degree of latitude north of the equator. And His Catholic Majesty has likewise agreed that the navigation of the said river, in its whole breadth from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other Powers by special convention.

ARTICLE V.

How each nation shall conduct itself with respect to the Indians.

The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. And the bet[t]er to obtain this effect, both

* These articles are annulled by Article XII of the Treaty of February 22, 1819.

parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundaries: so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last-mentioned Indians to commence hostilities against the subjects of His Catholic Majesty or his Indians, in any manner whatever.

And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that in future no treaty of alliance, or other whatever, (except treaties of peace,) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavour to make the advantages of the Indian trade common and mutual[l]y beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity; so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expence which they have hitherto occasioned.

Article VI.

Each party shall endeavour, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the Power whose subjects have taken possession of the said effects.

Each nation to protect the vessels of the other in their jurisdiction.

Article VII.

And it is agreed that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private porpose whatever; and in all cases of seizure, detention, or arrest for debts contracted, or offences commit[t]ed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceeding usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, sollicitors, notaries, agents, and factors, as they may judge proper, in all their affairs, and in all their trials at law, in which they may be concerned, before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

Embargo.

Seizure for debts or crimes.

Article VIII.

In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated

Vessels forced into port by stress of weather.

with all humanity, and enjoy all favor, protection, and help, and they shall be permitted to refresh and provide themselves at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ARTICLE IX.

All ships and merchandize, of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

Property taken from pirates to be restored.

ARTICLE X.

When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair should require that the whole or any part of the cargo be unladen, they shall pay no duties, charges, or fees on the part which they shall relade and carry away.

Vessels wrecked or foundered.

ARTICLE XI.

The citizens and subjects of each party shall have power to dispose of their personal goods, within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases.

Personal estates may be disposed of by will or otherwise.

And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if questions shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by being an alien, such subjects shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the Government of the respective States.

Inherited real estate, how disposed of.

ARTICLE XII.

Vessels suspected shall exhibit passports and certificates.

The merchant-ships of either of the parties which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly showing that her goods are not of the number of those which have been prohibited as contraband.

ARTICLE XIII.

In case of war merchants allowed time to remove their goods.

For the bet[t]er promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, one year after the proclamation of war shall be allowed to the merchants in the cities and towns where they shall live, for collecting and transporting their goods and merchandizes: And if anything be taken from them or any injury be done them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same by the Government.

ARTICLE XIV.

Privateers not permitted.

No subject of His Catholic Majesty shall apply for, or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States, or against the citizens, people, or inhabitants of the said United States, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war.

Nor shall any citizen, subject, or inhabitant of the said United States apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of His Catholic Majesty, or the property of any of them, from any Prince or State with which the said King shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XV.*

Liberty of trade

Free ships make free goods.

It shall be lawful for all and singular the subjects of His Catholic Majesty, and the citizens, people, and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with His Catholic Majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned, to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same Prince or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed free and exempt which shall be found on

*This article is amended by the XII article of the Treaty of February 22, 1819.

board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free ship, so that, although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers and in actual service of the enemies.

Article XVI.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs, with the fusees, and other things belonging to them, cannon-ball, gunpowder, match, pikes, swords, lances, speards, halberds, mortars, petards, granades, salpetre, muskets, musket-balls, bucklers, helmets, breastplates, coats of mail, and the like kind of arms proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandizes which follows shall not be reckoned among contraband or prohibited goods: That is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing ap[p]arel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined, tin, iron, latton, copper, brass, coals, as also wheat, barley, oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts, and in general all provisions which serve for the sustenance of life. Furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors, and any parts of anchors; also ships' masts, planks, wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall be whol[l]y reckoned among free goods, as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up, or invested. And except the cases in which any ship of war or squadron shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the Power to whom the said ship of war belongs may pay for the articles so taken according to the price thereof, at the port to which they may appear to have been destined by the ship's papers: and the two contracting parties engage, that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries; that they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

Contraband.

ARTICLE XVII.

Passports and sea-letters.

To the end that all manner of dissentions and quar[r]els may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty.* They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year.

It is likewise agreed, that such ships being laden, are to be provided not only with passports as above mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form. And if any one shall think it fit or advisable to express in the said certificates the person to whom the goods on board belong, he may freely do so: Without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to

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*The form of passport referred to in this article is not annexed either to the original treaty signed by the negotiators, or to the copy bearing the ratification of the King of Spain, on file in the Department of State. *See* The Amiable Isabella, (6 Wheaton's Rep., 1.) It is remarkable, however, that to the Spanish version of the treaty, in vol. 2, page 429, of "Coleccion de los Tratados de Paz," &c., published at Madrid in 1800, "de orden del Rey, en la imprenta real," there are annexed two forms in Spanish for passports; one for ships navigating European seas, the other for those navigating the American seas. These forms will be found in 6th Wheaton's Rep., 97 *et seq.* No explanation of these facts has ever been discovered.

[Private.]

GEORGETOWN (COL.) 3 *Novr.* 1814.

SIR: Averse to a correspondence with the writer of the enclosed letter, but willing to answer the object for public purposes, I take the liberty of doing it to you.

No form of a passport was annexed to the treaty with Spain, though referred to in one of the articles as annexed. To remedy this defect, the Secretary of State agreed with the Chevalier (now Marquis) Yrujo, Envoy of Spain, upon a form which has been constantly printed in the Spanish language, in the sea-letters issued to American vessels. It was closely translated from one of the other passports in the ordinary formulary, under the inspection of the Chevalier. From which of them I do not recollect—most probably it was from that contained in the treaty with Great Britain. My knowledge of the matter is the more certain from having had some agency in it.

I suppose there must be something in the correspondence of the Department of State *in perpetuam rei memoriam*, but as it passsed about 18 years ago I cannot refer to it from memory.

Among the printed State-Papers I collected and had bound together, when employed in the Department of State, was a quarto volume, comprehending an official copy of the treaty as promulged by the Spanish Sovereign. If the volume remains in the office, it may be consulted with advantage, as it embraces a variety of passports prescribed in consequence of the treaty and probably adopts and sanctions the one agreed upon at Philadelphia, as above explained.

With great consideration, I remain, sir, your most obed. servant,

JACOB WAGNER.

JAMES MONROE, Esqr., *&c., &c., &c.*

be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

ARTICLE XVIII.

If the ships of the said subjects, people, or inhabitants, of either of the parties shall be met with, either sailing along the coasts [or] on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer, for the avoiding of any disorder, shall remain out of cannon-shot, and may send their boats aboard the merchant-ship, which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports, concerning the property of the ship, made out according to the form inserted in this present treaty; and the ship, when she shall have shewed such passports, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chace in any manner, or force her to quit her intended course.

Right of search

ARTICLE XIX.

Consuls shall be reciprocally established, with the privileges and powers which those of the most favoured nations enjoy, in the ports where their Consuls reside or are permitted to be.

Consuls.

ARTICLE XX.

It is also agreed that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever, who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

Courts of justice.

ARTICLE XXI.*

In order to terminate all differences on account of the losses sustained by the citizens of the United States in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty, during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of Commissioners, to be appointed in the following manner. His Catholic Majesty shall name one Commissioner, and the President of the United States, by and with the advice and consent of their Senate, shall appoint another, and the said two Commissioners shall agree on the choice of a third, or if they cannot agree so, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original Commissioners, and the person whose name shall be so drawn shall be the third Commissioner; and the three Commissioners so appointed shall be sworn impartially to examine and decide the claims in

Claims growing out of illegal captures of vessels by Spanish subjects.

Commissioners to ascertain the same

* This article is annulled by Article XII of the Treaty of February 22, 1819.

question, according to the merits of the several cases, and to justice, equity, and the laws of nations. The said Commissioners shall meet and sit at Philadelphia; and in the case of the death, sickness, or necessary absence of any such Commissioner, his place shall be supplied in the same manner as he was first appointed, and the new Commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said Commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and His Catholic Majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions as shall be awarded by the said Commissioners.

Awards to be final.

ARTICLE XXII.*

The two high contracting parties, hopping that the good correspondence and friendship which happily reigns between them will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantage of both countries may require.

And in consequence of the stipulations contained in the IV article, His Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandize and effects in the port of New-Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores; and His Majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them on another part of the banks of the Mississippi an equivalent establishment.

Spain permits citizens of United States to deposit goods at New Orleans.

ARTICLE XXIII.

The present treaty shall not be in force untill ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

Ratifications.

In witness whereof we, the underwritten Plenipotentiaries of His Catholic Majesty and of the United States of America, have signed this present treaty of friendship, limits, and navigation, and have thereunto affixed our seals respectively.

Done at San Lorenzo el Real, this seven and twenty day of October, one thousand seven hundred and ninety-five.

[SEAL.] THOMAS PINCKNEY.
[SEAL.] EL PRINCIPE DE LA PAZ.

* The second paragraph of this article is annulled by the XII article of the Treaty of February 22, 1819.

1802.*

CONVENTION FOR THE INDEMNIFICATION OF THOSE WHO HAVE SUSTAINED LOSSES, DAMAGES, OR INJURIES IN CONSEQUENCES OF THE EXCESSES OF INDIVIDUALS OF EITHER NATION DURING THE LATE WAR, CONTRARY TO THE EXISTING TREATY OR THE LAWS OF NATIONS.

Concluded August 11, 1802; *ratifications exchanged at Washington December* 21, 1818; *proclaimed December* 22, 1818.

His Catholic Majesty and the Government of the United States of America, wishing amicably to adjust the claims which have arisen from the excesses committed during the late war, by individuals of either nation, contrary to the laws of nations or the treaty existing between the two countries, His Catholic Majesty has given, for this purpose, full powers to His Excellency Dⁿ Pedro Cevallos, Councellor of State, Gentleman of the Bed-Chamber in employment, first Secretary of State and Universal Despatch, and Superintendent General of the Posts and Post-Offices in Spain and the Indies; and the Government of the United States of America to Charles Pinckney, a citizen of the said States, and their Minister Plenipotentiary near His Catholic Majesty; who have agreed as follows: Negotiators.

1st. A Board of Commissioners shall be formed, composed of five Commissioners, two of whom shall be appointed by His Catholic Majesty, two others by the Government of the United States, and the fifth by common consent; and in case they should not be able to agree on a person for the fifth Commissioner, each party shall name one, and leave the decision to lot; and hereafter, in case of the death, sickness, or necessary absence of any of those already appointed, they shall proceed in the same manner to the appointment of persons to replace them. Five commissioners to be appointed.

2d. The appointment of the Commissioners being thus made, each one of them shall take an oath to examine, discuss, and decide on the claims, which they are to judge, according to the laws of nations and the existing treaty, and with the impartiality justice may dictate. Commissioners to take an oath.

3rd. The Commissioners shall meet and hold their sessions in Madrid, where, within the term of eighteen months (to be reckoned from the day on which they may assemble) they shall receive all claims which, in consequence of this convention, may be made, as well by the subjects of His Catholic Majesty as by citizens of the United States of America, who may have a right to demand compensation for the losses, damages, or injuries sustained by them, in consequence of the excesses committed by Spanish subjects or American citizens. Commissioners to meet at Madrid.

4th. The Commissioners are authorized, by the said contracting parties, to hear and examine, on oath, every question relative to the said demands, and to receive as worthy of credit all testimony the authenticity of which cannot reasonably be doubted. Commissioners may examine every question on oath.

5th. From the decisions of the Commissioners there shall be no appeal; and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of the claims as to the amount of the indemnification which No appeal from the Commissioners.

* See Notes: "Abrogated, suspended, or obsolete treaties."

may be adjudged to the claimants; the said contracting parties obliging themselves to satisfy the said awards in specie, without deduction, at the times and places pointed out, and under the conditions which may be expressed by the Board of Commissioners.

Awards.

6th. It not having been possible for the said Plenipotentiaries to agree upon a mode by which the above-mentioned Board of Commissioners should arbitrate the claims originating from the excesses of foreign cruisers, agents, Consuls, or tribunals in their respective territories, which might be imputable to their two Governments, they have expressly agreed that each Government shall reserve (as it does by this convention) to itself, its subjects or citizens respectively, all the rights which they now have, and under which they may hereafter bring forward their claims, at such times as may be most convenient to them.

Rights founded on claims from excesses of foreign cruisers.

7th. The present convention shall have no force or effect until it be ratified by the contracting parties, and the ratifications shall be exchanged as soon as possible.

Convention effective on exchange of ratifications

In faith whereof we, the underwritten Plenipotentiaries, have signed this convention, and have affixed thereto our respective seals.

Done at Madrid this 11th day of August, 1802.

[SEAL.] PEDRO CEVALLOS.
[SEAL.] CHARLES PINCKNEY.

1819.

TREATY OF AMITY, SETTLEMENT, AND LIMITS.

Concluded February 22, 1819; *ratifications exchanged at Washington February* 22, 1821; *proclaimed February* 22, 1821.

The United States of America and His Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions, by a treaty, which shall designate, with precision, the limits of their respective bordering territories in North America.

With this intention the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and His Catholic Majesty has appointed the Most Excellent Lord Don Luis De Onis, Gonzales, Lopez y Vara, Lord of the town of Rayaces, Perpetual Regidor of the Corporation of the city of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendée, Knight Pensioner of the Royal and Distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order; of the Council of His Catholic Majesty; His Secretary, with Exercise of Decrees, and His Envoy Extraordinary and Minister Plenipotentiary near the United States of America;

Negotiators.

And the said Plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

ARTICLE I.

There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens and His Catholic Majesty, his successors and subjects, without exception of persons or places.

Declaration of amity.

ARTICLE II.

His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States, duly authorized to receive them.

Cession of the Floridas to the United States.

Things included in cession.

ARTICLE III.

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course to the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea: All the islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

Boundary.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line, that is to say: The United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line, and for himself, his heirs, and successors, renounces all claim to the said territories forever.

ARTICLE IV.

To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a Commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty at Natchitoches, on

A Commissioner and surveyor to run the boundary line.

the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42, to the South Sea; they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ARTICLE V.

Religious freedom.

The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction; and all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties.

ARTICLE VI.

Inhabitants of the ceded territories.

The inhabitants of the territories which His Catholic Majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

ARTICLE VII.

Spanish troops to be withdrawn.

The officers and troops of His Catholic Majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this treaty, or sooner if possible, by the officers of His Catholic Majesty, to the commissioners or officers of the United States duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana.

ARTICLE VIII.

Grants of land before January 24, 1818.

Grants since January 24, 1818.

All the grants of land made before the 24th of January, 1818, by His Catholic Majesty, or by his lawful authorities, in the said territories ceded by His Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of His Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of His Catholic Majesty, for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

ARTICLE IX.

The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this treaty. Reciprocal renunciation of claims.

The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August, 1802.

2. To all claims on account of prizes made by French privateers, and condemned by French Consuls, within the territory and jurisdiction of Spain. Claims.

3. To all claims of indemnities on account of the suspension of the right of deposit at New Orleans in 1802.

4. To all claims of citizens of the United States upon the Government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies.

5. To all claims of citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the Minister of the United States in Spain, since the date of the convention of 1802, and until the signature of this treaty.

The renunciation of His Catholic Majesty extends—

1. To all the injuries mentioned in the convention of the 11th of August, 1802.

2. To the sums which His Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.

4. To all claims of Spanish subjects upon the Government of the United States arizing from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.

Finally, to all the claims of subjects of His Catholic Majesty upon the Government of the United States in which the interposition of His Catholic Majesty's Government has been solicited, before the date of this treaty and since the date of the convention of 1802, or which may have been made to the department of foreign affairs of His Majesty, or to his Minister in the United States.

And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American Army in Florida. Satisfaction by the United States for injuries to inhabitants of Florida.

ARTICLE X.

The convention entered into between the two Governments, on the 11th of August, 1802, the ratifications of which were exchanged the 21st December, 1818, is annulled. Convention of Aug 11, 1802, annulled.

ARTICLE XI.

United States to satisfy claims of their citizens to the amount of $5,000,000.

The United States, exonerating Spain from all demands in future, on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a commission, to consist of three Commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, which commission shall meet at the city of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of all the claims included within the descriptions above mentioned. The said Commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and, in case of the death, sickness, or necessary absence of any such Commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United States, during the recess of the Senate, of another Commissioner in his stead. The said Commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1795; the said documents to be specified, when demanded, at the instance of the said Commissioners.

Three Commissioners to be appointed to decide upon claims.

Payment of the claims.

The payment of such claims as may be admitted and adjusted by the said Commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at their Treasury, or by the creation of stock, bearing an interest of six per cent. per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the Congress of the United States may prescribe by law.

Records of proceedings.

Copies to the Spanish Government.

The records of the proceedings of the said Commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of the United States; and copies of them, or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish Minister in the United States.

ARTICLE XII.

Treaty of 1795 confirmed, with exceptions.

The treaty of limits and navigation, of 1795, remains confirmed in all and each one of its articles excepting the 2, 3, 4, 21, and the second clause of the 22 article, which, having been altered by this treaty, or having received their entire execution, are no longer valid.

When a neutral flag is to cover enemies' property.

With respect to the 15th article of the same treaty of friendship, limits, and navigation of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those Powers who recognize this principle; but if either of

the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Government acknowledge this principle, and not of others.

ARTICLE XIII.

Deserters.

Both contracting parties, wishing to favour their mutual commerce, by affording in their ports every necessary assistance to their respective merchant-vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up, at the instance of the Consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation: that is to say, the American Consul in a Spanish port shall exhibit the document known by the name of articles, and the Spanish Consul in American ports the roll of the vessel; and if the name of the deserter or deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

ARTICLE XIV.

United States certify that they received no compensation from France for claims.

The United States hereby certify that they have not received any compensation from France for the injuries they suffered from her privateers, Consuls, and tribunals on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.

ARTICLE XV.

Spanish vessels laden with Spanish productions placed upon the footing of United States vessels in the ports of Pensacola and St. Augustine.

The United States, to give to His Catholic Majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favour the commerce of the subjects of His Catholic Majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain, or of her colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this treaty.

ARTICLE XVI.

Ratifications.

The present treaty shall be ratified in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof we, the underwritten Plenipotentiaries of the United States of America and of His Catholic Majesty, have signed, by virtue of our powers, the present treaty of amity, settlement, and limits, and have thereunto affixed our seals, respectively.

Done at Washington this twenty-second day of February, one thousand eight hundred and nineteen.

[SEAL.] JOHN QUINCY ADAMS.
[SEAL.] LUIS DE ONIS.

Ratification by His Catholic Majesty, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty.*

Ferdinand the Seventh, by the Grace of God and by the constitution of the Spanish monarchy, King of the Spains.

Ratification by the King of Spain, of the treaty of Feb. 22, 1819.

Whereas on the twenty-second day of February, of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the city of Washington, between Don Luis de Onis, my Envoy Extraordinary and Minister Plenipotentiary, and John Quincy Adams, Esquire, Secretary of State of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences and of limits between both Governments and their respective territories, which are of the following form and literal tenor:

[Here follows the above treaty, word for word.]

Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the nation with respect to the cession mentioned and stipulated in the 2d and 3d articles, I approve and ratify all and every one of the articles referred to, and the clauses which are contained in them; and, in virtue of these presents, I approve and ratify them; promising, on the faith and word of a King, to execute and observe them, and to cause them to be executed and observed entirely as if I myself had signed them; and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th article, may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the 8th article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent authorities in my royal name, which date was fixed in the positive understanding of the three grants of land made in favor of the Duke of Alagon, the Count of Puñonrostro, and Don Pedro de Vargas, being annulled by its tenor, I think proper to declare that the said three grants have remained and do remain entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner; under which explicit declaration the said 8th article is to be understood as ratified. In the faith of all which I have commanded the issuance of these presents. Signed by my hand, sealed with my secret seal, and countersigned by the underwritten my Secretary of the Department of State.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

FERNANDO.

EVARISTO PEREZ DE CASTRO.

[Copies of the grants annulled by the foregoing treaty will be found in 8 Statutes at Large, page 267, *et seq.*]

* Translation.

1834.

CONVENTION FOR THE SETTLEMENT OF CLAIMS.

Concluded February 17, 1834; *ratifications exchanged at Madrid August* 14, 1834; *proclaimed November* 1, 1834.

The Government of the United States of America and Her Majesty the Queen Regent, Governess of Spain during the minority of her august daughter, Her Catholick Majesty Donna Ysabel the 2d, from a desire of adjusting by a definitive arrangement the claims preferred by each party against the other, and thus removing all grounds of disagreement, as also of strengthening the ties of friendship and good understanding which happily subsist between the two nations, have appointed for this purpose, as their respective Plenipotentiaries, namely:

Negotiators.

The President of the United States, Cornelius P. Van Ness, a citizen of the said States, and their Envoy Extraordinary and Minister Plenipotentiary near Her Catholick Majesty Donna Ysabel the 2d; and Her Majesty the Queen Regent, in the name and behalf of Her Catholick Majesty Donna Ysabel the 2d, His Excellency Don José de Heredia, Knight Grand Cross of the Royal American Order of Ysabel the Catholick, one of Her Majesty's Supreme Council of Finance, ex-Envoy Extraordinary and Minister Plenipotentiary, and President of the Royal Junta of Appeals of Credits against France;

Who, after having exchanged their respective full powers, have agreed upon the following articles:

ARTICLE I.

Agreement to indemnify United States.

Her Majesty the Queen Regent and Governess, in the name and in behalf of Her Catholick Majesty Donna Ysabel the 2d, engages to pay to the United States, as the balance on account of the claims aforesaid, the sum of twelve millions of rials vellon, in one or several inscriptions, as preferred by the Government of the United States, of perpetual rents, on the great book of the consolidated debt of Spain, bearing an interest of five per cent. per annum. Said inscription or inscriptions shall be issued in conformity with the model or form annexed to this convention, and shall be delivered in Madrid to such person or persons as may be authorized by the Government of the United States to receive them, within four months after the exchange of the ratifications. And said inscriptions, or the proceeds thereof, shall be distributed by the Government of the United States among the claimants entitled thereto, in such manner as it may deem just and equitable.

ARTICLE II.

Interest to be paid in Paris half-yearly.

The interest of the aforesaid inscription or inscriptions shall be paid in Paris every six months, and the first half-yearly payment is to be made six months after the exchange of the ratifications of this convention.

ARTICLE III.

Certain claims renounced.

The high contracting parties, in virtue of the stipulation contained in article first, reciprocally renounce, release, and cancel all claims which either may have upon the other, of whatever class, denomination, or origin they may be, from the twenty-second of February, one thousand eight hundred and nineteen, untill the time of signing this convention.

ARTICLE IV.

List of claims. On the request of the Minister Plenipotentiary of Her Catholick Majesty at Washington, the Government of the United States will deliver to him, in six months after the exchange of the ratifications of this convention, a note or list of the claims of American citizens against the Government of Spain, specifying their amounts respectively, and three years afterwards, or sooner if possible, authentic copies of all the documents upon which they may have been founded.

ARTICLE V.

Ratifications. This convention shall be ratified, and the ratifications shall be exchanged, in Madrid, in six months from this time, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed these articles, and affixed thereto their seals.

Done in triplicate at Madrid, this seventeenth day of February, one thousand eight hundred and thirty-four.

[SEAL.] C. P. VAN NESS.
[SEAL.] JOSÉ DE HEREDIA.

The following is the form, or model, of the inscription:

No.
Cupon de pesos fuertes de renta pagadero en de de 183
Cupon No. 1°.

Renta perpetua de España,
pagadera en Paris
á razon de 5 p. 0-0 al año,
inscrita en el gran libro de la Deuda consolidada.

Esta Inscripcion se expide á consecuencia de un convenio celebrado en Madrid en de de entre S. M. Catolica la Reyna de España y los Estados Unidos de America, para el pago de las reclamaciones de los ciudadanos de dichos Estados.

INSCRIPCION NO.

Capital.	*Renta.*
Pesos fuertes ó sean francos	Pesos fuertes ó sean francos

El portador de la presente tiene derecho á una renta anual de pesos fuertes, ó sea de francos, pagaderos en Paris por semestres, en los dias de y de por los banqueros de España en aquella capital, á razon de 5 francos y 40 centimos por peso fuerte, con arreglo al Rl. decreto de 15 de Diciembre de 1825.

Consiguiente al mismo real decreto se destina cada año á la amortizacion de esta renta uno por ciento de su valor nominal, á interes compuesto, cuyo importe sera empleado en su amortizacion periodica al curso corriente por dichos banqueros.—*Madrid,* de de

El Secretario de Estado y del Despacho de Hacienda.
El Director de la Rl. Caja de Amortizacion.

In witness whereof we, the undersigned Plenipotentiaries of H. Catholic M. the Queen of Spain and of the United States of America, have signed this model, and have affixed thereunto our seals.

Done at Madrid, this day of

[SEAL.] JOSÉ DE HEREDIA.
[SEAL.] C. P. VAN NESS.

1871.

AGREEMENT FOR SETTLEMENT OF CERTAIN CLAIMS OF CITIZENS OF THE UNITED STATES ON ACCOUNT OF WRONGS AND INJURIES COMMITTED BY AUTHORITIES OF SPAIN IN THE ISLAND OF CUBA.

Concluded at Madrid February 11–12, 1871.

LEGATION OF THE UNITED STATES,
Madrid, February 11th, 1871.

SIR: I have the honor to receive the note of to-day's date addressed to me by your excellency, proposing certain modifications of the plan of arrangement submitted to you on the 7th instant, for the adjustment of the reclamations made by my Government against that of Spain. I take much pleasure in stating that the changes suggested in the memorandum inclosed in your note have my entire concurrence, and have been duly embodied in the following record of the basis upon which we have agreed.

Memorandum of an arbitration for the settlement of the claims of citizens of the United States, or of their heirs, against the Government of Spain for wrongs and injuries committed against their persons and property, or against the persons and property of citizens of whom the said heirs are the legal representatives, by the authorities of Spain in the island of Cuba or within the maritime jurisdiction thereof, since the commencement of the present insurrection.

Claims to be submitted to arbitrators, and in case of disagreement to umpire.

1. It is agreed that all such claims shall be submitted to arbitrators, one to be appointed by the Secretary of State of the United States, another by the Envoy Extraordinary and Minister Plenipotentiary of Spain at Washington, and these two to name an umpire who shall decide all questions upon which they shall be unable to agree; and in case the place of either arbitrator or of the umpire shall from any cause become vacant, such vacancy shall be filled forthwith in the manner herein provided for the original appointment.

Organization of claims commission.

2. The arbitrators and umpire so named shall meet at Washington within one month from the date of their appointment and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially hear and determine, to the best of their judgment and according to public law, and the treaties in force between the two countries, and these present stipulations, all such claims as shall, in conformity with this agreement, be laid before them on the part of the Government of the United States; and such declaration shall be entered upon the record of their proceedings.

Each government may name an advocate.

3. Each Government may name an advocate to appear before the arbitrators or the umpire, to represent the interests of the parties respectively.

4. The arbitrators shall have full power, subject to these stipulations, and it shall be their duty before proceeding with the hearing and decision of any case, to make and publish convenient rules prescribing the time and manner of the presentation of claims and of the proof thereof; and any disagreement with reference to the said rules of proceeding shall be decided by the umpire. It is understood that a reasonable period shall be allowed for the presentation of the proofs; that all claims and the testimony in favor of them shall be presented only through the Government of the United States; that the award made in each case shall be in writing and, if in-

Claims to be presented through Government of the United States.

demnity be given, the sum to be paid shall be expressed in the gold coin of the United States.

Extent of jurisdiction.

5. The arbitrators shall have jurisdiction of all claims presented to them by the Government of the United States for injuries done to citizens of the United States by the authorities of Spain in Cuba since the first day of October, 1868. Adjudications of the tribunals in Cuba, concerning citizens of the United States, made in the absence of the parties interested, or in violation of international law, or of the guarantees and forms provided for in the treaty of October 27, 1795, between the United States and Spain, may be reviewed by the arbitrators, who shall make such award in any such case as they shall deem just. No judgment of a Spanish tribunal, disallowing the affirmation of a party that he is a citizen of the United States shall prevent the arbitrators from hearing a reclamation presented in behalf of said party by the United States Government. Nevertheless, in any case heard by the arbitrators, the Spanish Government may traverse the allegation of American citizenship and thereupon competent and sufficient proof thereof will be required. The commission having recognized the quality of American citizens in the claimants, they will acquire the rights accorded to them by the present stipulations as such citizens. And it is further agreed that the arbitrators shall not have jurisdiction of any reclamation made in behalf of a native-born Spanish subject naturalized in the United States if it shall appear, that the same subject-matter having been adjudicated by a competent tribunal in Cuba and the claimant, having appeared therein, either in person or by his duly appointed attorney and being required by the laws of Spain to make a declaration of his nationality, failed to declare that he was a citizen of the United States; in such case and for the purposes of this arbitration, it shall be deemed and taken that the claimant, by his own default, had renounced his allegiance to the United States. And it is further agreed that the arbitrators shall not have jurisdiction of any demands growing out of contracts.

Expenses.

6. The expenses of the arbitration will be defrayed by a percentage to be added to the amount awarded. The compensation of the arbitrators and umpire shall not exceed three thousand dollars each; the same allowance shall be made to each of the two advocates representing respectively the two Governments; and the arbitrators may employ a secretary at a compensation not exceeding the sum of five dollars a day for every day actually and necessarily given to the business of the arbitration.

Effect of awards.

7. The two Governments will accept the awards made in the several cases submitted to the said arbitration as final and conclusive, and will give full effect to the same in good faith and as soon as possible.

I avail myself of this opportunity to renew to your excellency the assurances of my most distinguished consideration.

D. E. SICKLES.

His Excellency the MINISTER OF STATE.

[Translation.]

MINISTRY OF STATE,
Madrid, February 12, 1871.

SIR: I have had the honor to receive the note you were pleased to address me under date of yesterday, communicating to me the definitive record of the memorandum in reference to the manner of arranging the

settlement of the reclamations of citizens of the United States consequent upon the insurrection in the island of Cuba, and as, in drawing up this document, you have kindly incorporated the slight modifications I proposed to you, for greater clearness and precision, in my note of yesterday in answer to yours of the 7th, I take pleasure in informing you that I entirely concur in the contents of the said memorandum.

I improve this occasion to renew to you the assurances of my most distinguished consideration.

CRISTINO MARTOS.

The MINISTER PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA.

1877.*

CONVENTION FOR THE EXTRADITION OF CRIMINALS FUGITIVE FROM JUSTICE.

Concluded January 5, 1877; *ratifications exchanged at Washington February* 21, 1877; *proclaimed February* 21, 1877.

The United States of America and His Majesty the King of Spain having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Convention for that purpose, and have appointed, as their Plenipotentiaries, the President of the United States, Caleb Cushing, the Envoy Extraordinary and Minister Plenipotentiary of the United States near the Government of Spain; and His Majesty the King of Spain, His Excellency Don Fernando Calderon y Collantes, his Minister of State, Knight Grand Cross of the Royal and distinguished Order of Cárlos Tercero, of those of Leopold of Austria and of Belgium, of that of Our Lord Jesus Christ of Portugal, of the Savior of Greece, of the Holy Sepulchre, and of the Nishan Iftijar of Tunis; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles: Negotiators.

ARTICLE I.

It is agreed that the Government of the United States and the Government of Spain shall, upon mutual requisition duly made as herein provided, deliver up to justice all persons who may be charged with, or who have been convicted of, any of the crimes specified in Article II. of this Convention, committed within the jurisdiction of one of the contracting parties, while said persons were actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed. Delivery of criminals upon requisitions.

* This convention is amended by the convention of August 7, 1882.

ARTICLE II.

Persons shall be delivered up, according to the provisions of this Convention, who shall have been charged with, or convicted of, any of the following crimes:

Crimes.

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, poisoning or infanticide.
2. The attempt to commit murder.
3. Rape.
4. Arson.
5. Piracy or mutiny on board ship when the crew or other persons on board, or part thereof, have, by fraud or violence against the commander, taken possession of the vessel.
6. Burglary, defined to be the act of breaking and entering into the house of another in the night-time with intent to commit a felony therein.
7. The act of breaking and entering the offices of the Government and public authorities, or the offices of banks, banking houses, saving-banks, trust companies, insurance companies, with intent to commit a felony therein.
8. Robbery, defined to be the felonious and forcible taking from the person of another, goods or money by violence or by putting him in fear.
9. Forgery, or the utterance of forged papers.
10. The forgery or falsification of the official acts of the Government or public authority, including courts of justice, or the uttering or fraudulent use of any of the same.
11. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, bank notes or other instruments of public credit; of counterfeit seals, stamps, dies and marks of state or public administrations; and the utterance, circulation or fraudulent use of any of the above-mentioned objects.
12. The embezzlement of public funds, committed within the jurisdiction of one or the other party, by public officers or depositaries.
13. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.
14. Kidnapping, defined to be the detention of a person or persons in order to exact money from them or for any other unlawful end.

ARTICLE III.

The provisions of this Convention shall not import claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences; and no person surrendered by or to either of the contracting parties in virtue of this Convention, shall be tried or punished for any political crime or offence, nor for any act connected therewith, committed previously to the extradition.

Persons cannot be extradited for political offences.

ARTICLE IV.

No person shall be subject to extradition in virtue of this Convention for any crime or offence committed previous to the exchange of the ratifications hereof; and no person shall be tried for any crime or offence other than that for which he was surrendered, unless such crime be one of those enumerated in Article II., and shall have been committed subsequent to the exchange of the ratifications hereof.

Offences committed before ratification of IV.

ARTICLE V.

A fugitive criminal shall not be surrendered under the provisions hereof when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offence for which the surrender is asked.

Exemption from extradition on account of lapse of time.

ARTICLE VI.

If a fugitive criminal, whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offence committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined and until such criminal shall have been set at liberty in due course of law.

Offences in country of asylum.

ARTICLE VII.

If a fugitive criminal, claimed by one of the parties hereto shall be also claimed by one or more powers pursuant to treaty provisions on account of crimes committed within their jurisdiction, such criminal shall be delivered, in preference, in accordance with that demand which is the earliest in date.

Criminal claimed by more than one power.

ARTICLE VIII.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Convention.

Neither nation to deliver its citizens.

ARTICLE IX.

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

Expenses.

ARTICLE X.

Everything found in the possession of the fugitive criminal at the time of his arrest, which may be material as evidence in making proof of the crime, shall, so far as practicable, be delivered up with his person at the time of the surrender. Nevertheless, the rights of a third party, with regard to the articles aforesaid, shall be duly respected.

Confiscation of property found in criminal's possession.

ARTICLE XI.

The stipulations of this Convention shall be applicable to all foreign or colonial possessions of either of the two contracting parties.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties. In the event of the absence of such agents from the country or its seat of Government, or where extradition is sought from a colonial possession of one of the contracting parties, requisition may be made by superior consular officers.

Requisitions for extradition: modes of procedure.

It shall be competent for such representatives or such superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall, respectively, have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

ARTICLE XII.

Duration of convention.

This Convention shall continue in force from the day of the exchange of the ratifications thereof, but either party may at any time terminate the same on giving to the other six months' notice of its intention so to do.

In testimony whereof, the respective Plenipotentiaries have signed the present Convention in triplicate, and have hereunto affixed their seals.

Done at the city of Madrid, in triplicate, English and Spanish, this fifth day of January, in the year of our Lord one thousand eight hundred and seventy-seven.

[SEAL.] CALEB CUSHING.
[SEAL.] FERNDO. CALDERON Y COLLANTES.

1877.

PROTOCOL OF CONFERENCE AND DECLARATIONS CONCERNING JUDICIAL PROCEDURE.

Signed January 12, 1877.

Protocol of a conference held at Madrid on the 12th of January, 1877, between the honorable Caleb Cushing, Minister Plenipotentiary of the United States of America, and His Excellency Señor Don Fernando Calderon y Collantes, Minister of State of His Majesty the King of Spain.

The respective parties, mutually desiring to terminate amicably all controversy as to the effect of existing treaties in certain matters of judicial procedure, and for the reasons set forth and representations exchanged in various notes and previous conferences, proceeded to make declaration on both sides as to the understanding of the two Gov-

ernments in the premises, and respecting the true application of said treaties.

Señor Calderon y Collantes declared as follows:

1. No citizen of the United States residing in Spain, her adjacent islands, or her ultramarine possessions, charged with acts of sedition, treason or conspiracy against the institutions, the public security, the integrity of the territory or against the Supreme Government, or any other crime whatsoever, shall be subject to trial by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

Trial of United States offenders against Spanish laws.

2. Those who, not coming within this last case, may be arrested or imprisoned, shall be deemed to have been so arrested or imprisoned by order of the civil authority for the effects of the Law of April 17, 1821, even though the arrest or imprisonment shall have been effected by armed force.

3. Those who may be taken with arms in hand, and who are therefore comprehended in the exception of the first article, shall be tried by ordinary council of war, in conformity with the second article of the hereinbefore-mentioned law; but even in this case the accused shall enjoy for their defense the guarantees embodied in the aforesaid Law of April 17, 1821.

4. In consequence whereof, as well in the cases mentioned in the third paragraph as in those of the second, the parties accused are allowed to name attorneys and advocates, who shall have access to them at suitable times; they shall be furnished in due season with copy of the accusation and a list of witnesses for the prosecution, which latter shall be examined before the presumed criminal, his attorney and advocate, in conformity with the provisions of articles twenty to thirty-one of the said law; they shall have right to compel the witnesses of whom they desire to avail themselves to appear and give testimony or to do it by means of depositions; they shall present such evidence as they may judge proper; and they shall be permitted to be present and to make their defense, in public trial, orally or in writing, by themselves or by means of their counsel.

5. The sentence pronounced shall be referred to the audiencia of the judicial district, or to the Captain General, according as the trial may have taken place before the ordinary judge or before the council of war, in conformity also with what is prescribed in the above-mentioned law.

Mr. Cushing declared as follows:

1. The Constitution of the United States provides that the trial of all crimes except in cases of impeachment shall be by jury, and such trial shall be held in the State where said crimes shall have been committed, or when not committed within any State the trial will proceed in such place as Congress may direct (Art. III, §2); that no person shall be held to answer for a capital or otherwise infamous crime unless on presentment of a grand jury except in cases arising in the land and naval forces or in the militia when in actual service, (Amendments to the Constitution, Art. V); and that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have counsel for his defense, (Amendments to the Constitution, Art. VI.)

2. The Act of Congress of April 30, 1790, chap. 9, sec. 29, re-enacted in the Revised Statutes, provides that every person accused of treason shall have a copy of the indictment and a list of the jury, and of the witnesses to be produced at the trial, delivered to him three days before the same, and in all other capital cases two days before that takes place; that in all such cases the accused shall be allowed to make his full defense by counsel learned in the law, who shall have free access to him at all seasonable hours; that he shall be allowed in his defense to make any proof which he can produce by lawful witnesses, and he shall have due power to compel his witnesses to appear in court.

3. All these provisions of the Constitution and of Acts of Congress are of constant and permanent force, except on occasion of the temporary suspension of the writ of habeas corpus.

4. The provisions herein set forth apply in terms to all persons accused of the commission of treason or other capital crimes in the United States, and therefore, as well by the letter of the law as in virtue of existing treaties, the said provisions extend to and comprehend all Spaniards residing or being in the United States.

Señor Calderon y Collantes then declared as follows:

In view of the satisfactory adjustment of this question in a manner so proper for the preservation of the friendly relations between the respective Governments, and in order to afford to the Government of the United States the completest security of the sincerity and good faith of His Majesty's Government in the premises, command will be given by Royal Order for the strict observance of the terms of the present Protocol in all the dominions of Spain and specifically in the island of Cuba.

In testimony of which we have interchangeably signed this Protocol.

CALEB CUSHING.
FERNDO. CALDERON Y COLLANTES.

1881.

AGREEMENT FOR TERMINATING THE CLAIMS COMMISSION FORMED UNDER THE AGREEMENT OF FEBRUARY 12, 1871.

Concluded February 23, 1881.

DEPARTMENT OF STATE,
Washington, February 23, 1881.

SIR: I have had the honor to hold several recent conferences with you, touching the desire of your Government, formally expressed in the note of the Minister of State, Señor Elduayen, to the Minister of the U. S. at Madrid on the 5th of July 1880; for the adoption of an accord between the two Governments looking to the fixation of a term for the labors of the American and Spanish Claims Commission which was organized under the agreement of February 12, 1871. In those conferences, the entire agreement of our views in the matter happily renders any discussion thereof unnecessary, save only as to the form and manner of placing such agreement of views on record, with the same force and effect as the original agreement of 1871.

As you are aware, the agreement of 1871 was discussed between the U. S. Minister at Madrid and the Spanish Minister of State for some time before a final understanding was reached, during which time various written projects and counter projects of an agreement were reciprocally submitted and considered, and that at the wish of the Spanish

government itself, it was determined that a final accord should be effected by simple exchange of diplomatic notes. This was accordingly done and the date of Señor Martos' note accepting the completed redaction of the agreement became, therefore, the date of the agreement itself. It is thought unnecessary that a fresh agreement determining the duration of the Commission should involve more of formality than the original accord whereby the commission itself was created; and I have, accordingly, the honor to propose, for your prompt acceptance as I doubt not a like conclusion of our present negotiation by means of a simple exchange of diplomatic notes, and in the suggested form of an additional article to the Agreement of 1871.

I believe that you and I are in accord upon the substantial points of the following text of such additional article, as the result of our deliberations thereon.

"VIII All claims for injuries done to citizens of the United States by the Authorities of Spain in Cuba, since the first day of October, A. D. 1868, which have not heretofore been presented by the Government of the U. S. to the Commission now sitting in Washington under the agreement of February 12, 1871, shall be so presented to the said Commission within sixty days, from this twenty third day of February, 1881, unless in any case where reasons for delay shall be established to the satisfaction of the Arbitrators, and in any such case the period for presenting the claim may be extended by them to any time not exceeding thirty days longer.

Presentation of claims not heretofore brought up.

"The Commission shall be bound to examine and decide upon every claim which may have been presented to it, or which shall hereafter be presented to it in accordance with this article, within one year from the 12th day of May, 1881. Provided, however, that in any particular case in which delay in completing the defense shall make an extension for the claimant's proofs or final argument, or decision, beyond this period, necessary for justice, such extension may be granted, by the Arbitrators, or, on their disagreement by the Umpire."

Commission to examine and decide all claims within one year.

"The Arbitrators shall have full power, subject to these stipulations, to make and publish convenient rules for carrying into effect this additional Article, and any disagreement with reference to such rules shall be decided by the Umpire."

Arbitrators given power to publish rules.

If, therefore, you are of like opinion with me that the foregoing memorandum of the text of an additional article to the Agreement of February 12, 1871, correctly represents the accord we have reached in our recent verbal conferences, and will intimate to me, by note, your acceptance thereof, said additional article will be regarded by this Government (as also by that of Spain) as bearing date from the date of your note of acceptance, and as thereupon and thenceforth having like force and effect with the original agreement which it supplements.

Accept, &c.,

WM. M. EVARTS.

[Translation.]

LEGATION OF SPAIN,
Washington, February 23, 1881.

The undersigned, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, has the honor to acknowledge the receipt of the note which the Honorable Secretary of State has this day been pleased to address to him stating, with perfect correctness, the result of the conferences held with the view of reaching an understanding with regard to the desire of the government of His Majesty the King, which was

expressed in the note of the minister of state to the representative of the United States at Madrid (said note being dated July 5, 1880), to fix a term for the labors of the Spanish-American Commission of Arbitration which was appointed in pursuance of the convention of February 12, 1871.

The undersigned shares the views entertained by the Honorable Secretary in respect to the form in which it will be proper to express the understanding adopted in said conferences, and he hereby signifies his entire assent to the terms in which the Honorable Secretary of the State is pleased to express it in the following additional article to the convention of 1871, which will be considered by the Government of Spain and that of the United States, from this date, as having the same force and effect as the aforesaid convention:

"VIII. All claims for injuries done to citizens of the United States by the authorities of Spain in Cuba since the 1st day of October, A. D. 1868, which have not heretofore been presented by the Government of the United States to the Commission now sitting in Washington under the agreement of February 12, 1871, shall be so presented to the said Commission within sixty days from this twenty-third day of February, 1881, unless in any case where reasons for delay shall be established to the satisfaction of the arbitrators; and in any such case the period for presenting the claim may be extended by them to any time not exceeding thirty days longer.

"The Commission shall be bound to examine and decide upon every claim which may have been presented to it, or which shall hereafter be presented to it in accordance with this article, within one year from the 12th day of May, 1881; Provided, however, that in any particular case in which delay in completing the defence shall make an extension for the claimant's proofs or final arguments or decision, beyond this period, necessary for justice, such extension may be granted by the Arbitrators, or in their disagreement by the Umpire.

"The Arbitrators shall have full power, subject to these stipulations, to make and publish convenient rules for carrying into effect this additional article, and any disagreement with reference to such rules shall be decided by the Umpire."

The undersigned avails himself of this occasion to reiterate to the Honorable William M. Evarts the assurances of his highest consideration.

FELIPE MENDEZ DE VIGO.

1882.

PROTOCOL EXTENDING THE TIME FOR THE TERMINATION OF THE CLAIMS COMMISSION UNDER THE AGREEMENT OF FEBRUARY 12, 1871, TO JANUARY 1, 1883.

Signed May 6 and December 14, 1882.

Protocol of a conference between the Honorable Frederick T. Frelinghuysen, Secretary of State of the United States, and His Excellency Francisco Barca, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Spain, held at the Department of State in Washington on the sixth day of May, eighteen hundred and eighty two.

Mr. Frelinghuysen handed to Mr. Barca the following paper, entitled "Article IX", and said that it embodied the results of several preliminary conferences between himself and Mr. Barca relating to the pro-

ongation of the Spanish American Claims Commission until the first lay of January next:

ARTICLE IX.

It being impossible for the Commission, in consequence of the death of the Arbitrator and of the Advocate on the part of the United States, to examine and decide within one year from the 12th. of May 1881 each and every claim which has been presented, it is agreed that the term aforesaid be extended to the 1st. of January 1883, for the sole purpose of permitting the Commission to examine and decide the claims actually pending. Extension of time for examining and deciding claims.

And it is further agreed to this end

1st. That no evidence in any case shall be received after the 15th day of June next.

2nd. That no printed or written brief or argument before the Arbitrators shall be filed on behalf of any claimant after the 15th day of July 1882.

3rd. That no printed or written brief or argument shall be filed in reply on behalf of Spain after the 15th day of September 1882.

4th. That no oral arguments shall be heard by the Arbitrators after the 1st day of November 1882.

5th. That no arguments either written or oral shall be made before the Umpire except on his written request addressed to the Commission, specifying the time within which he will hear or receive said arguments.

6th. That the Arbitrators may establish in accordance with the preceding stipulations convenient rules for the better and more rapid despatch of the business of the Commission, and any disagreement which may arise between them as to those rules or their interpretation, shall be decided by the Umpire.

Decisions in every pending case shall be given by both Arbitrators before the 15th day of December next: jointly if they agree, separately when they disagree.

All cases in which on that day the two Arbitrators shall not have agreed, or in which neither Arbitrator shall have rendered a decision, shall go to the Umpire. Cases before the umpire.

All cases in which the American arbitrator shall have failed to give a decision shall be rejected or allowed, as the case may be, in the form determined by the decision of the Arbitrator of Spain if the Spanish Arbitrator shall have given a decision: and *vice-versa* all cases in which the Spanish Arbitrator shall have failed to give a decision shall be allowed or rejected, as the case may be, in the form determined by the decision of the American Arbitrator if the American Arbitrator shall have given a decision: it being the purpose of both parties to have the work of the Arbitrators finished before December 15, 1882. Rejection of claims concerning which either arbitrator has given no decision.

The Umpire is requested to render decisions before January 1, 1883, in all cases submitted to him in order that the work of the Commission may cease on that day. But if the Umpire fails to comply with this request, decisions rendered by him after that day shall be respected by both parties, notwithstanding that the Commission shall be deemed to be terminated and dissolved after the 1st day of January 1883.

Mr. Barca observed that the Article as reduced embodied correctly the understanding between himself and Mr. Frelinghuysen.

In testimony whereof we have interchangeably signed this protocol.

FREDK. T. FRELINGHUYSEN.

FRAN^{CO} BARCA.

It is agreed by the Honorable F. T. Frelinghuysen, Secretary of State, and Don Francisco Barca, Envoy Extraordinary and Minister Plenipotentiary of Spain, that the 6th clause of the protocol of May 6, 1882, shall be changed by the insertion of the words, "the 27th day of December," instead of the words, "the 15th day of December," where the latter occur.

FREDK. T. FRELINGHUYSEN.
FRAN^{CO} BARCA.

WASHINGTON, *December* 14, 1882.

1882.

CONVENTION CONCERNING TRADE-MARKS.

Concluded June 19, 1882; *ratifications exchanged at Washington April* 19, 1883; *proclaimed April* 19, 1883.

The President of the United States of America and His Majesty the King of Spain, being desirous of securing reciprocal protection for the trade-marks and manufactured articles of their respective citizens or subjects within the dominions or territories of the other country, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries: the President of the United States, Frederick T. Frelinghuysen, Esquire, Secretary of State of the United States; and His Majesty the King of Spain, His Excellency Don Francisco Barca, His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the United States; who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

Negotiators.

ARTICLE I.

The citizens and subjects of each of the two contracting parties shall enjoy, in the dominions and possessions of the other, the same rights as the natives of the country in everything relating to the ownership of trade-marks, industrial designs or models, or of manufactures of any kind.

Reciprocal rights as to trade-marks.

ARTICLE II.

Persons desiring to secure the aforesaid protection shall be obliged to comply with the formalities required by the laws of the respective countries.

Formalities to be complied with.

ARTICLE III.

This Convention shall take effect as soon as it shall have been promulgated in both countries; and shall remain in force for ten years thereafter, and further until the expiration of one year after either of the contracting parties shall have given notice to the other of its wish to terminate the same; each of the contracting parties being at liberty to give such notice to the other at the end of said period of ten years or any time thereafter.

Duration of convention.

The ratifications of this Convention shall be exchanged at Washington as soon as possible within one year from this date.

Ratifications.

In testimony whereof the respective Plenipotentiaries have signed

this Convention in duplicate, in the English and Spanish languages, and affixed thereto the seals of their arms.

Done at Washington, the 19th day of June, in the year of our Lord one thousand eight hundred and eighty-two.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] FRAN^CO BARCA.

1882.

CONVENTION FOR THE EXTRADITION OF CRIMINALS FUGITIVE FROM JUSTICE, BEING SUPPLEMENTAL TO THE CONVENTION OF JANUARY 5, 1877.

Concluded August 7, 1882; *ratifications exchanged at Washington April* 19, 1883; *proclaimed April* 19, 1883.

The President of the United States of America and His Majesty the King of Spain, being satisfied of the propriety of adding some articles to the extradition convention concluded between the United States and Spain on the 5th day of January, 1877, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, have resolved to conclude a supplementary convention for that purpose, and have appointed as their plenipotentiaries:

The President of the United States, Frederick T. Frelinghuysen, Esquire, Secretary of State of the United States; and His Majesty the King of Spain, His Excellency Don Francisco Barca, Knight Grand Cross of the Royal American Order of Isabel la Católica, His Majesty's Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States; Negotiators.

Who, after having reciprocally exhibited their full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Paragraph 5 of Article II. of the aforesaid Convention of January 5, 1877, is abrogated, and the following substituted: Alterations in convention of January 5, 1877.

5. Crimes committed at sea:

(a) Piracy as commonly known and defined by the law of nations.

(b) Destruction or loss of a vessel caused intentionally, or conspiracy and attempt to bring about such destruction or loss, when committed by any person or persons on board of said vessel, on the high seas.

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel.

Paragraph 12 of said Article II. is amended to read as follows:

12. The embezzlement or criminal malversation of public funds committed within the jurisdiction of one or the other party, by public officers or depositaries.

Paragraph 13 of said Article II. is likewise modified to read as follows:

13. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the

crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries.

Paragraph 14 of said Article II. is likewise modified to read as follows:

14. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or from their families, or for any other unlawful end.

ARTICLE II.

Additions to Article II of former convention.

In continuation of and as forming part of Article II. of the aforesaid Convention of January 5, 1877, shall be added the following paragraphs:

15. Obtaining by threats of injury, or false devices, money, valuables or other personal property, and the purchase of the same with the knowledge that they have been so obtained, when the crimes or offenses are punishable by imprisonment or other corporal punishment by the laws of both countries.

16. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more.

17. Slave-trade, according to the laws of each of the two countries respectively.

18. Complicity in any of the crimes or offenses enumerated in the Convention of January 5, 1877, as well as in these additional articles, provided that the persons charged with such complicity be subject as accessories to imprisonment or other corporal punishment by the laws of both countries.

ARTICLE III.

Additional articles to former convention.

After Article XI. of the aforesaid Convention of January 5, 1877, shall be inserted the two following articles:

Article XII.

Telegraphic request for extradition.

If, when a person accused shall have been arrested in virtue of the mandate or preliminary warrants of arrest, issued by the competent authority as provided in Article XI, hereof, and been brought before a judge or a magistrate to the end of the evidence of his or her guilt being heard and examined as hereinbefore provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding twenty-five days, so that the demanding government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused; and if, at the expiration of said period of twenty-five days, such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released; provided that the examination of the charges preferred against such accused person shall not be actually going on.

Article XIII.

Assistance to be reciprocally rendered to officers of the government demanding extradition.

In every case of a request made by either of the two contracting parties for the arrest, detention or extradition of fugitive criminals in pursuance of the convention of January 5, 1877, and of these additional articles, the legal officers or fiscal ministry of the country where the proceedings of extradition are had, shall assist the officers of the government demanding the ex

tradition, before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the government demanding the extradition; provided however that any officer or officers of the surrendering government, so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE IV.

Unabrogated articles of previous convention to apply to this supplementary convention.

All the provisions of the aforesaid convention of the 5th of January, 1877, not abrogated by these additional articles, shall apply to these articles with the same force as to the said original Convention.

Ratifications.

This additional Convention shall be ratified and the ratifications exchanged at Washington as soon as may be practicable; and upon the exchange of ratifications it shall have immediate effect, and form a part of the aforesaid Convention of January 5, 1877, and continue and be terminable in like manner therewith.

In testimony whereof the respective Plenipotentiaries have signed the present additional Convention in duplicate, in the English and Spanish languages, and have hereunto affixed their seals.

Done at the city of Washington this 7th day of August in the year of our Lord one thousand eight hundred and eighty-two.

[SEAL.] FREDK. T. FRELINGHUYSEN.
[SEAL.] FRAN^CO BARCA.

AGREEMENT* RESPECTING RECIPROCAL ABOLITION OF CERTAIN DISCRIMINATING DUTIES IN THE PORTS OF THE UNITED STATES AND IN CUBA AND PORTO RICO.

Executed and signed at Madrid, February 13, 1884.

As the commercial agreement for the improvement of the mercantile relations between the United States of America and the islands of Cuba and Porto Rico, signed in this capital on the second day of January of the present year, embraces, besides the stipulations which the Government of His Catholic Majesty may, in virtue of legal authorization, put into execution at once, others which require the examination and approbation of the legislative power, which on account of special circumstances is unable to deliberate upon them in proper time to put them

* The President, on the 14th of February, 1884, issued a proclamation declaring that after the 1st day of March, 1884, so long as the products of and articles proceeding from the United States, imported into the Islands of Cuba and Porto Rico shall be exempt from discriminating customs duties, any such duties on the products of and articles proceeding from Cuba and Porto Rico under the Spanish flag shall be suspended and discontinued. This suspension was revoked by the President's proclamation of October 13, 1886, but was revived by the President's proclamation of October 27, 1886. For later agreement see page 1149.

in execution on the first day of March next, as agreed upon; the Gov-
ernment of the United States of America and the Govern-
Negotiators. ment of His Majesty the King of Spain, and in their name
John W. Foster, Envoy Extraordinary and Minister Plenipotentiary
of said Republic in Madrid, and His Excellency José Elduayen, Mar-
ques del Pazo de la Merced, Minister of State, duly authorized, have
decided to modify the Commercial Agreement of the second of January
last, and have agreed upon the following articles:

ARTICLE 1.

In virtue of the authorization given to the Spanish Government by
article 3 of the law of the 20th of July, 1882, the duties of
Duties of the third column of customs tariffs of Cuba and Porto Rico. the third column of the customs tariffs of Cuba and Porto
Rico, which implies the suppression of the differential flag
duty, will be applied to the products of, and articles proceeding from
the United States of America.

ARTICLE 2.

The Government of the United States will remove the extra duty
of ten *per cent. ad valorem* which it has imposed on the prod-
United States to remove extra duty on articles proceeding from Cuba and Porto Rico. ucts of, and articles proceeding from, Cuba and Porto Rico
under the Spanish flag.

ARTICLE 3.

The customs-houses of the United States will furnish to the respect-
ive Spanish consuls, whenever they may request them, cer-
United States custom-houses to furnish cargo certificates to Spanish consuls. tificates of the cargoes of sugar and tobacco brought in
vessels proceeding from both the Spanish Antilles, stating
the quantities of said articles received.

ARTICLE 4.

The preceding stipulations shall go into effect both in the United
States of America and the Islands of Cuba and Porto Rico on the firs
day of March, 1884; and to this effect the Government of the United
States of America and that of Spain will at once issue the proper
orders.

Executed in duplicate in Madrid on this 13th February, one thou-
sand eight hundred and eighty-four.

[SEAL.] JOHN W. FOSTER.
[SEAL.] J. ELDUAYEN.

The Government of His Catholic Majesty will submit in due time t
the deliberations of the Córtes, the suppression of the tonnage fees o
merchandise at present paid on the cargoes of vessels leaving the port
of the United States for Cuba and Porto Rico, as well as the specia
duty which is imposed on live fish imported into Cuba under a foreig
flag in accordance with the Royal Order of 13th of March, 1882.

Executed in duplicate in Madrid on this 13th February, one thousan
eight hundred and eighty-four.

[SEAL.] JOHN W. FOSTER.
[SEAL.] J. ELDUAYEN.

[NOTE.—*The agreement of January 2, 1884, referred to in the preamble to the foregoing, and superseded hereby, is as follows.*]

The Government of the United States of America and the Government of his Majesty the King of Spain, desiring to improve the commercial relations between said States and the Spanish Provinces of Cuba and Porto Rico, John W. Foster, Envoy Extraordinary and Minister Plenipotentiary of said Republic at Madrid, and his Excellency Servando Ruiz Gomez, His Catholic Majesty's Minister of State, duly authorized by their respective Governments have agreed upon the following articles:

ARTICLE 1.

In virtue of the authorization given to the Spanish Government by article 3 of the law of the 20th of July, 1882, the duties of the third column of the customs tariffs of Cuba and Porto Rico, which implies the suppression of the differential flag duty, will at once be applied to the products of, and articles proceeding from, the United States of America.

ARTICLE 2.

In consequence of this agreement the Royal Order of the 13th March, 1882, which imposes a special duty on live fish imported into Cuba under a foreign flag, is void for the United States.

ARTICLE 3.

The Spanish consular officers in the United States will cease to impose or collect tonnage fees on the cargoes of vessels leaving the ports of the United States for Cuba and Porto Rico.

ARTICLE 4.

The Government of the said United States will remove the extra duty of ten *per cent. ad valorem* which it has imposed on the products and articles proceeding from Cuba and Porto Rico under the Spanish flag.

ARTICLE 5.

Perfect equality of treatment between the said Spanish provinces and the United States is established, thus removing all extra duties or discrimination not general as to other countries having the treatment of the most favored nations.

ARTICLE 6.

The custom houses of the United States will furnish to the respective Spanish consuls, whenever they may request them, certificates of the cargoes of sugar and tobacco brought in vessels proceeding from both the Spanish Antilles, stating the quantities of said articles received.

ARTICLE 7.

The preceding stipulations shall go into effect both in the United States and in the provinces of Cuba and Porto Rico on the first day of March, 1884.

ARTICLE 8.

Both Governments bind themselves to begin at once negotiations for a complete treaty of commerce and navigation between the United States of America and the said provinces of Cuba and Porto Rico.

Executed in duplicate at Madrid on this second day of January A. D. one thousand eight hundred and eighty-four.

[SEAL.] JOHN W. FOSTER.
[SEAL.] SERVANDO RUIZ GÓMEZ.

SWEDEN.

1783.

TREATY* OF AMITY AND COMMERCE, AND SEPARATE ARTICLES.

Concluded April 3, 1783; *ratified by the King of Sweden May* 23. 1783, *and by the Continental Congress July* 29, 1783; *ratifications exchanged at Paris* 1783; *proclaimed September* 25, 1783.

The King of Sweden, of the Goths and Vandals, &c., &c., &c., and the thirteen United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the counties of New Castle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to establish, in a stable and permanent manner, the rules which ought to be observed relative to the correspondence and commerce which the two parties have judged necessary to establish between their respective countries, states, and subjects: His Majesty and the United States have thought that they could not better accomplish that end than by taking for a basis of their arrangements the mutual interest and advantage of both nations, thereby avoiding all those burthensome preferences which are usually sources of debate, embarrassment, and discontent, and by leaving each party at liberty to make, respecting navigation and commerce, those interior regulations which shall be most convenient to itself.

Negotiators.

With this view, His Majesty the King of Sweden has nominated and appointed for his Plenipotentiary Count Gustavus Philip de Creutz, his Ambassador Extraordinary to His Most Christian Majesty, and Knight Commander of his orders; and the United States, on their part, have fully empowered Benjamin Franklin, their Minister Plenipotentiary to His Most Christian Majesty.

The said Plenipotentiaries, after exchanging their full powers, and after mature diliberation in consequence thereof, have agreed upon, concluded, and signed the following articles:

ARTICLE I.

Declaration of amity.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the King of Sweden, his heirs and successors, and the United States of America, and the subjects of His Majesty, and those of the said States, and between the

* Translation from the original, which is in the French language. This treaty terminated by the limitation contained in the first separate article, *post*, fifteen years from the day of the ratification, but Articles II, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XXI, XXII, XXIII, and XXV, as well as the separate Articles I, II, IV, and V, were revived by Article XII of the treaty of September 4, 1816, with Sweden and Norway, *post*, and were again revived by Article XVII of the treaty of July 4, 1827.

countries, islands, cities, and towns situated under the jurisdiction of the King and of the said United States, without any exception of persons or places; and the conditions agreed to in this present treaty shall be perpetual and permanent between the King, his heirs and sucessors, and the said United States.

Article II.

The King and the United States engage mutually not to grant hereafter any particular favour to other nations in respect to commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same favour freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Most favored nation.

Article III.

The subjects of the King of Sweden shall not pay in the ports, havens, roads, countries, islands, cities, and towns of the United States, or in any of them, any other nor greater duties or imposts, of what nature soever they may be, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce which the said nations do or shall enjoy, whether in passing from one port to another of the United States, or in going to or from the same, from or to any part of the world whatever.

Subjects of Sweden entitled to the same privileges in United States as the most favored nations.

Article IV.

The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities, and towns under the dominion of the King of Sweden, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce which the said nations do or shall enjoy, whether in passing from one port to another of the dominion of His said Majesty, or in going to or from the same, from or to any part of the world whatever.

Citizens of the United States entitled to the same privileges in Sweden as the most favored nations.

Article V.

There shall be granted a full, perfect, and entire liberty of conscience to the inhabitants and subjects of each party; and no person shall be molested on account of his worship, provided he submits so far as regards the public demonstration of it to the laws of the country. Moreover, liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose; and the two contracting parties will provide each in its jurisdiction, that the subjects and inhabitants respectively may obtain certificates of the death, in case the delivery of them is required.

Liberty of conscience secured.

Article VI.

The subjects of the contracting parties in the respective States may freely dispose of their goods and effects, either by testament, donation, or otherwise, in favour of such persons as they think proper; and their heirs, in whatever place they shall reside, shall

Estates.

receive the succession even *ab intestato*, either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capitals and effects which the subjects of the two parties, in changing their dwelling, shall be desirous of removing from the place of their abode, shall be exempted from all duty called "droit de détraction" on the part of the Government of the two States, respectively. But it is at the same time agreed that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigor. The United States, on their part, or any of them, shall be at liberty to make, respecting this matter, such laws as they think proper.

ARTICLE VII.

Trade with nations at war with the other.

All and every the subjects and inhabitants of the Kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels, in all safety and freedom, and without any regard to those to whom the merchandizes and cargoes may belong, from any port whatever; and the subjects and inhabitants of the two States shall likewise be permitted to sail and trade with their vessels, and, with the same liberty and safety, to frequent the places, ports, and havens of Powers enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different Princes. And as it is acknowledged by this treaty, with respect to ships and merchandizes, that free ships shall make the merchandizes free, and that everything which shall be on board of ships belonging to subjects of the one or the other of the contracting parties shall be considered as free, even though the cargo, or a part of it, should belong to the enemies of one or both, it is nevertheless provided that contraband goods shall always be excepted; which being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed that the same liberty be extended to persons who may be on board a free ship, with this effect, that, although they be enemies to both or either of the parties, they shall not be taken out of the free ship, unless they are soldiers in the actual service of the said enemies.

Free ships make free goods; except contraband articles.

ARTICLE VIII.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, except those only which are expressed in the following article, and are distinguished by the name of contraband goods.

ARTICLE IX.

Contraband goods.

Under the name of contraband or prohibited goods shall be comprehended arms, great guns, cannon-balls, arquebuses, musquets, mortars, bombs, petards, granadoes, saucisses, pitch-balls, carriages for ordnance, musquet-rests, bandoleers, cannon-powder, matches, saltpetre, sulphur, bullets, pikes, sabres, swords, morions, helmets, cuirasses, halbards, javelins, pistols and their holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

Article X.

These which follow shall not be reckoned in the number of prohibited goods, that is to say: All sorts of cloths, and all other manufactures of wool, flax, silk, cotton, or any other materials; all kinds of wearing apparel, together with the things of which they are commonly made; gold, silver coined or uncoined, brass, iron, lead, copper, latten, coals, wheat, barley, and all sorts of corn or pulse, tobacco; all kinds of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oyl, wines, sugar; all sorts of salt and provisions which serve for the nourishment and sustenance of man; all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloth, anchors, and any parts of anchors, ship-masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships. Nor shall any goods be considered as contraband which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use: all which shall be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing article, so that they shall not by any pretended interpretation be comprehended among prohibited or contraband goods. On the contrary, they may be freely transported by the subjects of the King and of the United States, even to places belonging to an enemy, such places only excepted as are besieged, blocked, or invested; and those places only shall be considered as such which are nearly surrounded by one of the belligerent powers.

Goods not contraband.

Article XI.

In order to avoid and prevent on both sides all disputes and discord, it is agreed that, in case one of the parties shall be engaged in a war, the ships and vessels belonging to the subjects or inhabitants of the other shall be furnished with sea-letters or passports, expressing the name, property, and port of the vessel, and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of the one or the other party. These passports, which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of the year. It is also agreed that the said vessels, when loaded, shall be provided not only with sea-letters, but also with certificates containing a particular account of the cargo, the place from which the vessel sailed, and that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandizes mentioned in the 9th article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

In case of war ships and vessels to be furnished with sea-letters and certificates.

Article XII.

Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the 7th article, they shall, nevertheless, be bound, at all times when required, to exhibit, as well on the high sea as in port, their passports and certificates above mentioned; and, not having contraband merchandize on board for an enemy's port, they may freely and without hindrance pursue their voyage to the place of their destination. Never-

Navigation in time of war.

theless, the exhibition of papers shall not be demanded of merchant-ships under the convoy of vessels of war, but credit shall be given to the word of the officer commanding the convoy.

ARTICLE XIII.

Discovery of contraband goods.

If on producing the said certificates it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships, nor to open any chest, coffers, packs, casks, or vessels, nor to remove or displace the smallest part of the merchandizes, until the cargo has been landed in the presence of officers appointed for the purpose, and until an inventory thereof has been taken; nor shall it be lawful to sell, exchange or alienate the cargo or any part thereof, until legal process shall have been had against the prohibited merchandizes, and sentence shall have passed declaring them liable to confiscation, saving nevertheless as well the ships themselves, as the other merchandizes which shall have been found therein, which by virtue of this present treaty are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandize, and much less confiscated as lawful prize. And in case the contraband merchandize be only a part of the cargo, and the master of the vessel agrees, consents, and offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandizes which are good prize, shall immediately let the vessel go, and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if upon examination she be found to be loaded only with merchandizes declared to be free, the owner, or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

ARTICLE XIV.

Goods found in an enemy's ship.

It is likewise agreed that whatever shall be found to be laden by the subjects of either of the two contracting parties, on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged to the enemy, excepting nevertheless such goods and merchandizes as were put on board before the declaration of war, and even six months after the declaration, after which term none shall be presumed to be ignorant of it, which merchandizes shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight months, and could not be make sooner after the sale, which is to be public: provided, nevertheless, that if the said merchandizes be contraband, it shall not be in any wise lawful to carry them afterwards to a port belonging to the enemy.

ARTICLE XV.

Vessels of war and privateers.

And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men-of-war of the other party or by privateers, all captains and commanders of ships of His Swedish Majesty and of the

United States, and all their subjects, shall be forbidden to do any injury or damage to those of the other party, and if they act to the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their persons and goods.

ARTICLE XVI.

Every person fitting out a privateer shall give bond to answer all damages.

For this cause, every individual who is desirous of fitting out a privateer, shall, before he receives letters-patent, or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages and wrongs which the owner of the privateer, his officers, or others in his employ may commit during the cruise, contrary to the tenor of this treaty, and contrary to the edicts published by either party, whether by the King of Sweden or by the United States, in virtue of this same treaty, and also under the penalty of having the said letters-patent and special commission revoked and made void.

ARTICLE XVII.

Recaptured vessels.

One of the contracting parties being at war and the other remaining neuter, if it should happen that a merchant-ship of the neutral Power be taken by the enemy of the other party, and be afterwards retaken by a ship of war or privateer of the Power at war, also ships and merchandizes of what nature soever they may be, when recovered from a pirate or sea rover, shall be brought into a port of one of the two Powers, and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters, and owners of ships, seamen, people of all sorts, ships and vessels, and in general all merchandizes and effects of one of the allies or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, towns, ports, rivers, or domains whatever, of the other ally, on account of any military expedition, or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of one of the parties to seize or take anything by force from the subjects of the other party, without the consent of the owner. This, however, is not to be understood to comprehend seizures, detentions, and arrests, made by order and by the authority of justice, and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

Vessels not to be detained.

ARTICLE XVIII.

Regulations in case both nations should be at war with a common enemy.

If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides:

1. If the ships of one of the two nations, retaken by the privateers of the other, have not been in the power of the enemy more than 24 hours, they shall be restored to the original owner, on payment of one-third of the value of the ship and cargo. If, on the contrary, the vessel retaken has been more than 24 hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2. In case, during the interval of 24 hours, a vessel be retaken by a man-of-war of either of the two parties, it shall be restored to the original owner, on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part of it if it has been retaken after the 24 hours, which sums shall be distributed as a gratification among the crew of the men-of-war that shall have made the recapture.

3. The prizes made in manner above mentioned shall be restored to the owners, after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

4. The men-of-war and privateers of the two nations shall reciprocally be admitted with their prizes into each other's ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

5. Moreover, the King of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men-of-war and privateers respectively shall be bound to observe, with regard to vessels which they shall take and carry into the ports of the two Powers.

ARTICLE XIX.

Prizes.

The ships of war of His Swedish Majesty and those of the United States, and also those which their subjects shall have armed for war, may with all freedom conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes upon entering the said ports shall not be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes, which may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to shew.

ARTICLE XX.

Shipwrecks.

In case any vessel belonging to either of the two States, or to their subjects, shall be stranded, shipwrecked, or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted to them to secure their return to their own country. The ships and merchandizes wrecked, or their proceeds, if the effects have been sold, being claimed in a year and a day, by the owners or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

ARTICLE XXI.

Vessels forced into port by stress of weather.

When the subjects and inhabitants of the two parties, with their vessels, whether they be public and equipped for war, or private or employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads, or

ports of either of the two parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection, and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and everything necessary for their sustenance, for the repair of their vessels, and for continuing their voyage; provided allways that they pay a reasonable price; and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please, without any obstacle or hindrance.

Article XXII.

Treatment of citizens of one nation in the territory of the other in time of war.

In order to favour commerce on both sides as much as possible, it is agreed that, in case a war should break out between the said two nations, which God forbid, the term of nine months after the declaration of war shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle; nor shall any seize their effects, and much less their persons, during the said nine months; but on the contrary, passports which shall be valid for a time necessary for their return, shall be given them for their vessels, and the effects which they shall be willing to carry with them. And if anything is taken from them, or if any injury is done to them by one of the parties, their people and subjects, during the term above prescribed, full and entire satisfaction shall be made to them on that account. The above-mentioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects.

Article XXIII.

Commissions or letters of marque.

No subject of the King of Sweden shall take a commission or letters of marque for arming any vessel to act as a privateer against the United States of America, or any of them, or against the subjects, people, or inhabitants of the said United States, or any of them, or against the property of the inhabitants of the said States, from any Prince or State whatever, with whom the said United States shall be at war. Nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any vessel to cruize against the subjects of his Swedish Majesty, or any of them, or their property, from any Prince or State whatever with whom his said Majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

Article XXIV.

Ships and vessels entering the ports of either party.

The vessels of the subjects of either of the parties coming upon any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but on the contrary, shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object.

ARTICLE XXV.

Ships met by ships of war or privateers.

When a vessel belonging to the subjects and inhabitants of either of the parties, sailing on the high sea, shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder, shall remain out of cannon shot, but may always send their boat to the merchant ship, and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport, stating the property of the vessel; and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage, and it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

ARTICLE XXVI.

Consuls.

The two contracting parties grant mutually the liberty of having each in the ports of the other, Consuls, Vice-Consuls, Agents and Commissaries, whose functions shall be regulated by a particular agreement.

ARTICLE XXVII.

Ratifications.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.

In faith whereof the respective Plenipotentiaries have signed the above articles, and have thereto affixed their seals.

Done at Paris the third of April in the year of our Lord one thousand seven hundred and eighty-three.

[SEAL.] B. FRANKLIN.
[SEAL.] GUSTAV PHILIP COMTE DE CREUTZ.

SEPARATE ARTICLE.

Duration of treaty.

The King of Sweden and the United States of North America agree that the present treaty shall have its full effect for the space of fifteen years, counting from the day of the ratification and the two contracting parties reserve to themselves the liberty of renewing it at the end of that term.

Done at Paris the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

[SEAL.] B. FRANKLIN.
[SEAL.] GUSTAV PHILIP COMTE DE CREUTZ.

SEPARATE ARTICLES.

ARTICLE I.

King of Sweden to protect vessels and effects of citizens of United States.

His Swedish Majesty shall use all the means in his power to protect and defend the vessels and effects belonging to citizens or inhabitants of the United States of North America, and every of them which shall be in the ports, havens, roads, or on the seas near the countries, islands, cities and towns of His said Majesty

and shall use his utmost endeavours to recover and restore to the right owners all such vessels and effects which shall be taken from them within his jurisdiction.

Article II.

In like manner the United States of North America shall protect and defend the vessels and effects belonging to the subjects of His Swedish Majesty, which shall be in the ports, havens, or roads, or on the seas near to the countries, islands, cities and towns of the said States, and shall use their utmost efforts to recover and restore to the right owners all such vessels and effects which shall be taken from them within their jurisdiction.

United States to protect vessels and effects of subjects of Sweden.

Article III.

If, in any future war at sea, the contracting Powers resolve to remain neuter, and as such to observe the strictest neutrality, then it is agreed that if the merchants ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea, without being able to have recourse to their own convoys, in that case the commander of the ships of war of the other party, if required, shall, in good faith and sincerity, give them all necessary assistance; and in such case the ships of war and frigates of either of the Powers shall protect and support the merchant-ships of the other: provided, nevertheless, that the ships claiming assistance are not engaged in any illicit commerce contrary to the principle of the neutrality.

In war at sea, ships of war to protect vessels of each nation.

Article IV.

It is agreed and concluded that all merchants, captains of merchant-ships or other subjects of His Swedish Majesty, shall have full liberty in all places under the dominion or jurisdiction of the United States of America, to manage their own affairs, and to employ in the management of them, whomsoever they please; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the masters of ships shall not be obliged, in loading or unloading their vessels, to employ labourers appointed by public authority for that purpose; but they shall be at full liberty, themselves, to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper, without paying reward under the title of salary to any other person whatever; and they shall not be obliged to turn over any kind of merchandizes to other vessels, nor to receive them on board their own, nor to wait for their lading longer than they please; and all and every of the citizens, people, and inhabitants of the United States of America shall reciprocally have and enjoy the same privileges and liberties in all places, under the jurisdiction of the said realm.

Privileges of citizens of one nation in the territory of the other in business affairs.

Article V.

It is agreed that when merchandizes shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination; but all examination and search must be before lading, and the prohibited merchan-

Search of vessels.

dizes must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship, or of him who has the command of her; in which case only he shall be responsible and subject to the laws of the country in which he may be. In all other cases, neither the subjects of either of the contracting parties who shall be with their vessels in the ports of the other, nor their merchandizes, shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects or citizens of the State whose merchandizes are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandize being liable to punishment for such contravention.

Done at Paris, the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

[SEAL.] B. FRANKLIN.
[SEAL.] GUSTAV PHILIP COMTE DE CREUTZ.

SWEDEN AND NORWAY.

1816.*

TREATY † OF AMITY AND COMMERCE.

Concluded September 4, 1816; *ratifications exchanged at Stockholm September* 25, 1818; *proclaimed December* 31, 1818.

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the King of Sweden and Norway, equally animated with a sincere desire to maintain and confirm the relations of friendship and commerce which have hitherto subsisted between the two States, and being convinced that this object cannot be more effectually accomplished than by establishing, reciprocally, the commerce between the two States upon the firm basis of liberal and equitable principles, equally advantageous to both countries, have named to this end Plenipotentiaries, and have furnished them with the necessary full powers to treat, and in their name to conclude a treaty, to wit:

The President of the United States, Jonathan Russell, a citizen of the said United States, and now their Minister Plenipotentiary at the Court of Stockholm; and His Majesty the King of Sweden and Norway, His Excellency the Count Laurent d'Engeström, his Minister of State for Foreign Affairs, Chancellor of the University of Lund, Knight Commander of the Orders of the King, Knight of the Order of Charles XIII, Grand Cross of the Orders of St. Etienne of Hungary, of the Legion of Honour of France, of the Black Eagle and of the Red Eagle of Prussia, and the Count Adolphe George de Mörner, his Counsellor of State, and Commander of the Order of the Polar Star; Negotiators.

And the said Plenipotentiaries, after having produced and exchanged their full powers, found in good and due form, have agreed on the following articles:

ARTICLE I.

There shall be between all the territories under the dominion of the United States of America, and of His Majesty the King of Sweden and Norway, a reciprocal liberty of commerce. The inhabitants of either of the two countries shall have liberty, with all security for their persons, vessels, and cargoes, to come freely to all ports, places, and rivers within the territories of the other, into which the vessels of the most favored nations are permitted to enter. They can there remain and reside in any part whatsoever of the said terri- Reciprocal liberty of commerce.

* See notes: "Abrogated, suspended, or obsolete treaties."

† Translation from the original, which is in the French language.

tories; they can there hire and occupy houses and warehouses for their commerce; and, generally, the merchants and traders of each of the two nations shall enjoy in the other the most complete security and protection for the transaction of their business, being bound alone to conform to the laws and statutes of the two countries, respectively.

Security for merchants and traders.

ARTICLE II.

No other or higher duties, imposts, or charges, whatsoever, shall be imposed on the importation into the territories of His Majesty the King of Sweden and Norway, of the produce or manufactures of the United States, nor on the importation into the United States of the produce or manufactures of the territories of His Majesty the King of Sweden and Norway, than those to which the same articles would be subjected in each of the two countries, respectively, if these articles were the growth, produce, or manufacture, of any other country. The same principle shall likewise be observed in respect to exportation, in such manner that in each of the two countries, respectively, the articles which shall be exported for the other, cannot be charged with any duty, impost, or charge, whatsoever, higher or other than those to which the same articles would be subjected if they were exported to any other country whatever.

No discriminating duties on account of nationality of imports.

Nor shall any prohibition be imposed on the exportation or importation of any article, the growth, produce, or manufacture, of the territories of His Majesty the King of Sweden and Norway, or of the United States, to or from the said territories of His Majesty the King of Sweden and Norway, or to or from the said United States, which shall not equally extend to all other nations.

Most favored nation, privileges accorded to exportations and importations.

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of their countries, or exporting from the United States the produce or manufactures of said States, shall not be obliged to pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which the vessels of the United States would pay in the same circumstances; and, vice versa, the vessels of the United States, arriving in ballast, or importing into the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of the United States, or exporting from the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of these territories, shall not pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which would be paid if these articles were transported by Swedish or Norwegian vessels, respectively.

No discrimination in duties on vessels.

That which is here above stipulated shall also extend to the Swedish colony of St. Barthelemy, as well in what relates to the rights and advantages which the vessels of the United States shall enjoy in its ports, as in relation to those which the vessels of the colony shall enjoy in the ports of the United States, provided the owners are inhabitants of St. Barthelemy, and there established and naturalized, and shall have there caused their vessels to be naturalized.

ARTICLE III.*

[His Majesty the King of Sweden and Norway agrees that all articles the growth, produce, or manufacture, of the West Indies, which are permitted to be imported in Swedish or Norwegian vessels, whether these articles be imported, directly or indi-

* The Senate declined to give its advice and consent to the ratification of Articles III, IV, and VI, and the King of Sweden and Norway acceded.

rectly, from said Indies, may likewise be imported into its territories in vessels of the United States, and there shall not be paid, either for the said vessels or the cargoes, any higher or other duties, imposts, or charges, whatsoever, than those which would be paid by Swedish or Norwegian vessels in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

[In order to avoid misapprehension in this respect, it is expressly declared, that the term "West Indies" ought to be taken in its most extensive sense, comprising all that portion of the earth, whether mainland or islands, which at any time has been denominated the West Indies, in contradistinction to that other portion of the earth denominated the East Indies.]

ARTICLE IV.*

[The United States of America, on their part, agree that all articles the growth, produce, or manufacture, of the countries surrounding the Baltic Sea, or bordering thereon, which are permitted to be imported in vessels of the United States, whether these articles be imported, directly or indirectly, from the Baltic, may likewise be imported into the United States in Swedish or Norwegian vessels; and there shall not then be paid for the said vessels, or for the cargoes, any higher or other duties, imposts, or charges, whatsoever, than those which would be paid by vessels of the United States in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

[In order to avoid all uncertainty in respect to the duties, imposts, or charges whatsoever, which a vessel belonging to the citizens or subjects of one of the contracting parties ought to pay on arriving in the ports of the other, with a cargo consisting partly of articles the growth, produce, or manufacture of the country to which the vessel belongs, and partly of any other merchandize, which the said vessel is permitted to import by the preceding articles, it is agreed that, in case a cargo should be thus mixed, the vessel shall always pay the duties, imposts, and charges according to the nature of that part of the cargo which is subjected to the highest duties, in the same manner as if the vessel imported this sort of merchandise only.]

ARTICLE V.

Consuls.

The high contracting parties grant mutually the liberty of having, in the places of commerce and ports of the other, Consuls, Vice-Consuls, or Commercial Agents, who shall enjoy all the protection and assistance necessary for the due discharge of their functions. But it is here expressly declared that, in case of illegal or improper conduct in respect to the laws or government of the country to which they are sent, the said Consul, Vice-Consul, or Agent, may be either punished according to law, dismissed, or sent away, by the offended Government, that Government assigning to the other the reasons therefor. It is, nevertheless, understood, that the archives and documents relative to the affairs of the consulate shall be protected from all examinations, and shall be carefully preserved, being placed under the seal of the Consul and of the authority of the place where he shall have resided.

Archives to be inviolate.

The Consuls and their deputies shall have the right, as such, to act as judges and arbitrators in the differences which may arise between the captains and crews of the vessels of the nation whose affairs are entrusted to their care. The respective Governments shall have no right to interfere in matters of this kind, except the conduct of the captain and crew shall disturb the peace and tranquillity of the country in which the vessel may be, or that the Consul of the place shall feel himself obliged to resort to the interposition and support of the executive authority to cause his decision to be respected and maintained; it being, nevertheless, understood, that this kind of judgment, or award, shall not deprive the contending parties of the right which they shall have, on their return, to recur to the judicial authorities of their own country.

Settlement of disputes between masters and crews.

* The Senate declined to give its advice and consent to the ratification of Articles III, IV, and VI, and the King of Sweden and Norway acceded.

ARTICLE VI.*

[In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce, or manufacture of the contracting parties respectively, it is agreed that whatever the chief or intendant of the customs shall have designated and specified as such, in the clearance delivered to the vessels which depart from the European ports of His Majesty the King of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce, or manufacture of the United States, shall be acknowledged and admitted as such in the territories of His Majesty the King of Sweden and Norway.]

[The specification or designation given by the chief of the customs in the colonies of His Majesty the King of Sweden and Norway, and confirmed by the governor of the colony, shall be considered as sufficient proof of the origin of the articles thus specified or designated to obtain for them admission into the ports of the United States accordingly.]

ARTICLE VII.

Vessels entering a port and not wishing to unload.

The citizens or subjects of one of the contracting parties, arriving with their vessels on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload or break bulk, shall have liberty to depart, and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, imposts, or charges, whatsoever, on the vessels or cargo, excepting only the dues of pilotage, when a pilot shall have been employed, or those of quayage, or light-money, whenever these dues are paid in the same circumstances by the citizens or subjects of the country. It being, nevertheless, understood, that whenever the vessels belonging to the citizens or subjects of one of the contracting parties shall be within the jurisdiction of the other, they shall conform to the laws and regulations concerning navigation, and the places and ports into which it may be permitted to enter, which are in force with regard to the citizens or subjects of the country; and it shall be lawful for the officers of the customs in the district where the said vessels may be, to visit them, to remain on board, and to take such precautions as may be necessary to prevent all illicit commerce while such vessels remain within the said jurisdiction.

ARTICLE VIII.

Vessels landing parts of cargoes to pay no duties on remainder.

It is also agreed that the vessels of one of the contracting parties, entering the ports of the other, shall be permitted to discharge a part only of their cargoes, whenever the captain or owner shall desire so to do, and they shall be allowed to depart freely with the remainder, without paying any duties, imposts, or charges whatsoever, except on that part which shall have been landed, and which shall be marked and noted on the list or manifest containing the enumeration of the merchandise which the vessel ought to have on board, and which list ought always to be presented, without reservation, to the officers of the customs at the place where the vessel shall have arrived; and nothing shall be paid on the part of the cargo which the vessel takes away; and the said vessel may proceed therewith to any other port or ports in the same country, into which vessels of the most favoured nations are permitted to enter, and there dispose of the same; or the said vessel may depart therewith to the ports of

* The Senate declined to give its advice and consent to the ratification of Articles III, IV, and VI, and the King of Sweden and Norway acceded.

any other country. It is, however, understood that the duties, imposts, or charges, which are payable on the vessel itself, ought to be paid at the first port where it breaks bulk and discharges a part of the cargo, and that no such duties or impositions shall be again demanded in the ports of the same country where the said vessel may thereafter enter, except the inhabitants of the country be subjected to futher duties in the same circumstances.

ARTICLE IX.

The citizens or subjects of one of the contracting parties shall enjoy in the ports of the other, as well for their vessels as for their merchandise, all the rights and privileges of entrepot, which are enjoyed by the most favoured nations in the same ports. Rights and privileges of entrepot.

ARTICLE X.

In case any vessel, belonging to either of the two States or to their citizens or subjects, shall be stranded, shipwrecked, or have suffered any other damage on the coasts under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted them to return to their own country. The ships and merchandise wrecked, or the proceeds thereof, if the effects be sold, being claimed in a year and a day, by the owners, or their attorney, shall be restored on paying the same costs of salvage, conformably to the laws and usages of the two nations, which the citizens or subjects of the country would pay in the same circumstances. The respective governments shall watch over the companies which are or may be instituted for saving shipwrecked persons and property, that vexations and abuses may not take place. Shipwreck.

ARTICLE XI.

It is agreed that vessels arriving direct from the United States, at a port under the dominion of His Majesty the King of Sweden and Norway, or from the ports of his said Majesty in Europe at a port of the United States, furnished with a certificate of health from the competent health officer of the port whence they took their departure, certifying that no malignant or contagious disease existed at that port, shall not be subjected to any other quarantine than such as shall be necessary for the visit of the health officer of the port at which they may have arrived, but shall, after such visit, be permitted immediately to enter and discharge their cargoes; provided, always, that there may not be found any person on board who has been, during the voyage, afflicted with a malignant or contagious disease, and that the country from which the vessel comes may not be so generally regarded at the time as infected, or suspected, that it has been previously necessary to issue a regulation by which all vessels coming from that country are regarded as suspected and subjected to quarantine. Quarantine.

ARTICLE XII.

The treaty of amity and commerce concluded at Paris in 1783, by the Plenipotentiaries of the United States and of His Majesty the King of Sweden, is renewed and put in force by the present treaty, in respect to all which is contained in the second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, Certain articles of the treaty of April 3, 1783, renewed.

thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the said treaty, as well as the seperate articles one, two, four, and five, which were signed the same day by the same Plenipotentiaries; and the articles specified shall be considered to have as full force and vigour as if they were inserted word for word: provided, nevertheless, that the stipulations contained in the articles above mentioned shall always be considered as making no change in the conventions previously concluded with other friendly and allied nations.

ARTICLE XIII.

Blockade.

Considering the distance of the respective countries of the two high contracting parties, and the uncertainty that results therefrom in relation to the various events which may take place, it is agreed that a merchant-vessel, belonging to one of the contracting parties, and destined to a port supposed to be blockaded at the time of her departure, shall not, however, be captured or condemned for having a first time attempted to enter the said port, unless it may be proved that the said vessel could and ought to have learned, on her passage, that the place in question continued to be in a state of blockade. But vessels which, after having been once turned away, shall attempt a second time, during the same voyage, to enter the same port of the enemy, while the blockade continues, shall be liable to detention and condemnation.

ARTICLE XIV.

Ratifications.

The present treaty, when the same shall have been ratified by the President of the United States, by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, shall continue in force, and be obligatory on the United States and His Majesty the King of Sweden and Norway, for the term of eight years from the exchange of the ratifications; and the ratifications shall be exchanged in eight months from the signature of this treaty, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present treaty, and have thereunto set the seal of their arms. Done at Stockholm, the fourth day of September, in the year of Grace one thousand eight hundred and sixteen.

[SEAL.] JONA. RUSSELL.
[SEAL.] LE COMTE D'ENGESTRÖM.
[SEAL.] LE COMTE A. G. DE MÖRNER.

1827.

TREATY* OF COMMERCE AND NAVIGATION, AND SEPARATE ARTICLE.

Concluded July 4, 1827; *ratifications exchanged at Washington January* 18, 1828; *proclaimed January* 19, 1828.

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the King of Sweden and Norway, equally animated with the desire of extending and consoli-

*Translation from the original which is in the French language.

ating the commercial relations subsisting between their respective
rritories, and convinced that this object cannot better be accomplished
ıan by placing them on the basis of a perfect equality and reciprocity,
ave, in consequence, agreed to enter into negotiation for a new treaty
commerce and navigation; and to this effect have appointed Pleni-
otentiaries, to wit:

The President of the United States of America, John James Apple-
n, Chargé d'Affaires of the said States at the court of His
ajesty the King of Sweden and Norway; and His Majesty Negotiators.
e King of Sweden and Norway, the Sieur Gustave Count de Wetter-
edt, his Minister of State and of Foreign Affairs, Knight Commander
his orders, Knight of the Orders of St. Andrew, St. Alexander Newsky,
ıd St. Ann, of the first class, of Russia; Knight of the Order of the
ed Eagle, of the first class, of Prussia; Grand Cross of the Order of
eopold, of Austria; one of the Eighteen of the Swedish Academy;
Who, after having exchanged their full powers, found in good and
ıe form, have agreed upon the following articles:

Article I.

The citizens and subjects of each of the two high contracting parties
ay, with all security for their persons, vessels, and cargoes, Reciprocal liberty of commerce.
ely enter the ports, places, and rivers of the territories of
e other, wherever foreign commerce is permitted. They shall be at
erty to sojourn and reside in all parts whatsoever of said territories;
rent and occupy houses and warehouses for their com- Security for merchants and traders.
rce; and they shall enjoy, generally, the most entire se-
rity and protection in their mercantile transactions, on condition of
eir submitting to the laws and ordinances of their respective coun-
es.

Article II.

Swedish and Norwegian vessels, and those of the island of St. Bar-
olomew, arriving either laden or in ballast, into the ports
the United States of America, from whatever place they Swedish and Norwegian vessels to be treated as United States vessels in ports of latter.
y come, shall be treated, on their entrance, during their
y, and at their departure, upon the same footing as na-
nal vessels coming from the same place, with respect to the duties
tonnage, light-houses, pilotage, and port charges, as well as to the
quisites of public officers, and all other duties or charges of what-
er kind or denomination, levied in the name or to the profit of the
vernment, the local authorities, or of any private establishments
atsoever.

And reciprocally, the vessels of the United States of America, arriv-
either laden or in ballast in the ports of the Kingdoms
Sweden and Norway, from whatever place they may Reciprocal privileges as to American vessels.
ne, shall be treated, on their entrance, during their stay,
d at their departure, upon the same footing as national vessels com-
from the same place, with respect to the duties of tonnage, light-
ıses, pilotage, and port charges, as well as to the perquisites of pub-
officers, and all other duties or charges, of whatever kind or denom-
tion, levied in the name or to the profit of the Government, the local
horities, or of any private establishments whatsoever.

ARTICLE III.

No discriminating duties on imports on account of nationality of vessels importing same.

All that may be lawfully imported into the United States of America in vessels of the said States may also be thereinto imported in Swedish and Norwegian vessels, and in those of the island of St. Bartholomew, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

And, reciprocally, all that may be lawfully imported into the Kingdoms of Sweden and Norway in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

ARTICLE IV.

Like stipulations as to exports.

All that may be lawfully exported from the United States of America in vessels of the said States may also be exported therefrom in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

And, reciprocally, all that may be lawfully exported from the Kingdoms of Sweden and Norway in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ARTICLE V.

American vessels proceeding to St. Bartholomew.

The stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States of America, proceeding, either laden or not laden, to the colony of St. Bartholomew, in the West Indies, whether from the ports of the Kingdoms of Sweden and Norway or from any other place whatsoever, or proceeding from the said colony, either laden or not laden, whether bound for Sweden or Norway, or for any other place whatsoever.

ARTICLE VI.

Coastwise navigation.

It is expressly understood that the foregoing second, third, and fourth articles are not applicable to the coastwise navigation from one port of the United States of America to another port of the said States, nor to the navigation from one port of the Kingdoms of Sweden or of Norway to another, nor to that between the two latter countries; which navigation each of the two high contracting parties reserves to itself.

ARTICLE VII.

Each of the two high contracting parties engages not to grant in its purchases, or in those which might be made by companies or agents acting in its name or under its authority, any preference to importations made in its own vessels, or in those of a third Power, over those made in the vessels of the other contra[c]ting party.

No discrimination in purchase of imports on account of nationality of vessels importing same.

ARTICLE VIII.

The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties, of any kind or denomination, which shall be higher or other than those which shall be imposed on every other navigation except that which they have reserved to themselves, respectively, by the sixth article of the present treaty.

Tonnage duties.

ARTICLE IX.

There shall not be established in the United States of America, upon the products of the soil or industry of the Kingdoms of Sweden and Norway, or of the island of St. Bartholomew, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties shall likewise be established upon articles of like nature the growth of any other country.

No restriction to be imposed upon importations.

And, reciprocally, there shall not be established in the Kingdoms of Sweden and Norway, nor in the island of St. Bartholomew, on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties be likewise established upon articles of like nature the growth of the island of St. Bartholomew, or of any other place, in case such importation be made into or from the Kingdoms of Sweden and Norway; or of the Kingdoms of Sweden and Norway, or of any other place, in case such importation or exportation be made into or from the island of St. Bartholomew.

ARTICLE X.

All privileges of transit, and all bounties and drawbacks which may be allowed within the territories of one of the high contracting parties upon the importation or exportation of any article whatsoever, shall likewise be allowed on the articles of like nature the products of the soil or industry of the other contracting party, and on the importations and exportations made in its vessels.

No discrimination in duties, drawbacks, and bounties on exports and imports.

ARTICLE XI.

The citizens or subjects of one of the high contracting parties arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port, or, after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage without paying any other duties, imposts, or charges whatsoever, for the vessel and cargo,

Vessels entering a port, and not wishing to unload.

than those of pilotage, wharfage, and for the support of light-houses when such duties shall be levied on national vessels in similar cases. It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation, and the places and ports which they may enter, as are or shall be in force with regard to national vessels; and that the custom-house officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

ARTICLE XII.

Vessels landing part of cargoes to pay no duties on remainder.

It is further agreed that the vessels of one of the high contracting parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes as the captain or owner may wish, and they may freely depart with the remainder without paying any duties, imposts, or charges whatsoever, except for that part which shall have been landed, and which shall be marked upon and erased from the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the custom-house of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away and with which it may continue its voyage to one or several other ports of the same country, there to dispose of the remainder of its cargo, composed of articles whose importation is permitted, on paying the duties chargeable upon it; or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever which are or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges of the same description shall be demanded anew in the ports of the same country which such vessels might afterwards wish to enter, unless national vessels be in similar cases subject to some ulterior duties.

ARTICLE XIII.

Consuls.

Each of the high contracting parties grants to the other the privilege of appointing, in its commercial ports and places, Consuls, Vice-Consuls, and Commercial Agents, who shall enjoy the full protection and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct, with respect to the laws or Government of the country in which said Consuls, Vice-Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted, it being understood, however, that the

Archives to be inviolate.

archives and documents relative to the affairs of the consulate shall be exempt from all search, and shall be carefully preserved under the seals of the Consuls, Vice-Consuls, or Commercial Agents and of the authority of the place where they may reside.

Settlement of disputes between masters and crews.

The Consuls, Vice-Consuls, or Commercial Agents, or the persons duly authorized to supply their places, shall have the right, such to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge,

without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ARTICLE XIV.

The said Consuls, Vice-Consuls, or Commercial Agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country; and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and, on this reclamation being thus substantiated, the surrender shall not be refused. Application by consuls to local authorities.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country; but if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. Deserters.

It is understood, however, that, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XV.

In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked or in danger, and passports shall be granted to them to return to their country. The shipwrecked vessels and merchandize, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels in the same circumstances; and the salvage companies shall not compel the acceptance of their services, except in the same cases, and after the same delays, as shall be granted to the captains and crews of national vessels. Moreover, the respective Governments will take care that these companies do not commit any vexatious or arbitrary acts. Shipwrecks.

ARTICLE XVI.

It is agreed that vessels arriving directly from the United States of America, at a port within the dominions of His Majesty the King of Sweden and Norway, or from the territories of his said Majesty in Europe, at a port of the United States, and provided with a bill of health granted by an officer having competent power to Quarantine.

that effect, at the ports whence such vessels shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health-officer of the port where such vessels shall have arrived; after which said vessels shall be allowed immediately to enter and unload their cargoes; provided, always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not, during their passage, have communicated with any vessel liable itself to undergo a quarantine; and that the country whence they came shall not, at that time, be so far infected or suspected that, before their arrival, an ordinance had been issued, in consequence of which all vessels coming from that country should be considered as suspected, and consequently subject to quarantine.

ARTICLE XVII.

Certain articles of the treaty of April 3, 1783, revived.

The second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the treaty of amity and commerce concluded at Paris on the third of April, one thousand seven hundred eighty-three, by the Plenipotentiaries of the United States of America, and of His Majesty the King of Sweden, together with the first, second, fourth, and fifth separate articles, signed on the same day by the same Plenipotentiaries, are revived, and made applicable to all the countries under the dominion of the present high contracting parties, and shall have the same force and value as if they were inserted in the context of the present treaty; it being understood that the stipulations contained in the articles above cited shall always be considered as in no manner affecting the conventions concluded by either party with other nations, during the interval between the expiration of the said treaty of one thousand seven hundred eighty-three and the revival of said articles by the treaty of commerce and navigation concluded at Stockholm by the present high contracting parties, on the fourth of September, one thousand eight hundred and sixteen.

ARTICLE XVIII.

Blockade.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant-vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once shall, during the same voyage, attempt a second time to enter the same blockaded port during the continuance of said blockade, shall then subject themselves to be detained and condemned.

ARTICLE XIX.

Duration of treaty.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and before the expiration of the first nine years neither of the high contracting parties shall have announced, by an official notifica-

tion to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE XX.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, and the ratifications shall be exchanged at Washington within the space of nine months from the signature, or sooner if possible. Ratifications.

In faith whereof, the respective Plenipotentiaries have signed the present treaty by duplicates, and have affixed thereto the seals of their arms. Done at Stockholm the fourth of July, in the year of Grace one thousand eight hundred and twenty-seven.

[SEAL.] J. J. APPLETON.
[SEAL.] G. COUNT DE WETTERSTEDT.

SEPARATE ARTICLE.

Certain relations of proximity and ancient connections having led to regulations for the importation of the products of the Kingdoms of Sweden and Norway into the Grand Duchy of Finland, and that of the products of Finland into Sweden and Norway, in vessels of the respective countries, by special stipulations of a treaty still in force, and whose renewal forms at this time the subject of a negotiation between the Courts of Sweden and Norway and Russia, said stipulations being in no manner connected with the existing regulations for foreign commerce in general, the two high contracting parties, anxious to remove from their commercial relations all kinds of ambiguity or motives of discussion, have agreed that the eighth, ninth, and tenth articles of the present treaty shall not be applicable either to the navigation and commerce above mentioned, nor, consequently, to the exceptions in the general tariff of custom-house duties, and in the regulations of navigation resulting therefrom, nor to the special advantages which are, or may be granted to the importation of tallow and candles from Russia, founded upon equivalent advantages granted by Russia on certain articles of importation from Sweden and Norway. Foregoing treaty not to affect the treaty between Russia and Sweden and Norway respecting trade with Finland.

The present separate article shall have the same force and value as if it were inserted word for word in the treaty signed this day, and shall be ratified at the same time.

In faith whereof we, the undersigned, by virtue of our respective full powers, have signed the present separate article, and affixed thereto the seals of our arms.

Done at Stockholm the fourth of July, one thousand eight hundred and twenty-seven.

[SEAL.] J. J. APPLETON.
[SEAL.] G. COUNT DE WETTERSTEDT.

1860.

CONVENTION FOR THE EXTRADITION OF CRIMINALS FUGITIVE FRO JUSTICE.

Concluded March 21, 1860; *ratifications exchanged at Washington Decem ber* 20, 1860; *proclaimed December* 21, 1860.

Whereas, it is found expedient, for the better administration of justi and the prevention of crime within the territories and jurisdiction of t parties respectively, that persons committing certain crimes, being fug tives from justice, should, under certain circumstances, be reciprocal delivered up; and also to enumerate such crimes explicitly: The Unit States of America on the one part, and His Majesty the King of Swed and Norway on the other part, having resolved to treat on this subje have for that purpose appointed their respective Plenipotentiaries negotiate and conclude a convention, that is to say:

The President of the United States of America, Lewis Cass, Sec tary of State of the United States, and His Majesty t King of Sweden and Norway, Baron Nicholas William Wetterstedt, Knight of the Orders of the Polar Star and of St. Ola Commander of the Order of Dannebrog of Denmark, his said Majesty Minister Resident near the Government of the United States; Negotiators.

Who, after reciprocal communication of their respective powers, ha agreed to and signed the following articles:

ARTICLE I.

It is agreed that the high contracting parties shall, upon mutu requisitions by them, their Diplomatic or Consular Agen respectively made, deliver up to justice all persons wh being charged with or condemned for any of the crimes enumerated the following article, committed within the jurisdiction of either par shall seek an asylum or shall be found within the territories of t other: Provided, that this surrender and delivery shall n be obligatory on either of the high contracting parties exce upon presentation by the other, in original or in verified copy, of t judicial declaration or sentence establishing the culpability of the fu tive, and issued by the proper authority of the Government who clai the surrender, in case such sentence or declaration shall have been p nounced; said document to be drawn up and certified according to t forms prescribed by the laws of the country making the demand. I if such sentence or declaration shall not have been pronounced, th the surrender may be demanded, and shall be made, when the deman ing party shall have furnished such proof of culpability as would ha been sufficient to justify the apprehension and commitment for trial the accused if the offence had been committed in the country where shall have taken refuge. Extradition. Evidence.

ARTICLE II.

Persons shall be so delivered up who shall have been charged with sentenced for any of the following crimes, to wit: Murd (including assassination, parricide, infanticide, and pois ing,) or attempt to commit murder; rape; piracy, (including mutiny board a ship, whenever the crew or part thereof, by fraud or violen Crimes.

against the commander, have taken possession of the vessel;) arson; robbery and burglary; forgery, and the fabrication or circulation of counterfeit money, whether coin or paper money; embezzlement by public officers, including appropriation of public funds.

ARTICLE III.

The expenses of any detention and delivery, effected in virtue of the preceding provisions, shall be borne and defrayed by the party who makes the requisition and receives the fugitive. Expenses.

ARTICLE IV.

Neither of the contracting parties shall be bound to deliver up, under the stipulations of this convention, any person who, according to the laws of the country where he shall be found, is a citizen or a subject of the same at the time his surrender is demanded. Neither nation to deliver its citizens.

ARTICLE V.

The provisions of the present convention shall not be applied to any crime or offence of a political character. Persons cannot be extradited for political offences.

ARTICLE VI.

Whenever any person, accused of any of the crimes enumerated in this convention, shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof. New crimes committed.

ARTICLE VII.

This convention shall not take effect until ten days after its publication, made according to the laws of the respective Governments.

It shall remain in force until the end of six months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same. Duration of convention.

It shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Sweden and Norway, and the ratifications shall be exchanged within ten months from the date of its signature, or earlier if possible. Ratifications.

In faith whereof, the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate, at Washington, the twenty-first day of March, one thousand eight hundred and sixty, and the eighty-fourth year of the Independence of the United States.

[SEAL.] LEW. CASS.
[SEAL.] N. W. DE WETTERSTEDT.

1869.

CONVENTION AND PROTOCOL RELATIVE TO NATURALIZATION.

Concluded, May 26, 1869; *ratifications exchanged at Stockholm June* 14, 1871; *proclaimed January* 12, 1872.

The President of the United States of America and His Majesty the King of Sweden and Norway, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Sweden and Norway and their dependencies and territories, and from Sweden and Norway to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President of the United States of America, Joseph J. Bartlett, Minister Resident; and His Majesty the King of Sweden and Norway, Count Charles Wachtmeister, Minister of State for Foreign Affairs; who have agreed to and signed the following articles:

Negotiators.

ARTICLE I.

When citizens of the United States are to be treated as citizens of Sweden and Norway.

Citizens of the United States of America who have resided in Sweden or Norway for a continuous period of at least five years, and during such residence have become and are lawfully recognized as citizens of Sweden or Norway, shall be held by the Government of the United States to be Swedish or Norwegian citizens, and shall be treated as such.

When citizens of Sweden and Norway are to be treated as citizens of the United States.

Reciprocally, citizens of Sweden or Norway who have resided in the United States of America for a continuous period of at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the Government of Sweden and Norway to be American citizens, and shall be treated as such.

Declaration of intent not to affect naturalization.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of citizenship legally acquired.

ARTICLE II.

Naturalized citizens liable on return to their original country for offenses committed before emigration.

A recognized citizen of the one party, on returning to the territory of the other, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

ARTICLE III.

Restoration to citizenship in original country.

If a citizen of the one party, who has become a recognized citizen of the other party, takes up his abode once more in his original country, and applies to be restored to his former citizenship, the Government of the last-named country is authorized to receive him again as a citizen, on such conditions as the said Government may think proper.

ARTICLE IV.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Sweden and Norway on the other part, the 21st March, 1860, remains in force without change.

Convention for the extradition of fugitives from justice not to be changed.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

Duration of convention.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the King of Sweden and Norway; and the ratifications shall be exchanged at Stockholm within twenty-four months from the date hereof.

Ratifications.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

STOCKHOLM, *May* 26, 1869.

[SEAL.] JOSEPH J. BARTLETT.
[SEAL.] C. WACHTMEISTER.

PROTOCOL.

Done at Stockholm, May 26, 1869.

The undersigned met to-day to sign the convention agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from the United States of America to Sweden and Norway, and from Sweden and Norway to the United States of America; on which occasion the following observations, more exactly defining and explaining the contents of this convention, were entered in the following protocol:

I. Relating to the first article of the convention.

It is understood that if a citizen of the United States of America has been discharged from his American citizenship, or, on the other side, if a Swede or a Norwegian has been discharged from his Swedish or Norwegian citizenship, in the manner legally prescribed by the Government of his original country, and then in the other country in a rightful and perfectly valid manner acquires citizenship, then an additional five years' residence shall no longer be required; but a person who has in that manner been recognized as a citizen of the other country shall, from the moment thereof, be held and treated as a Swedish or Norwegian citizen, and, reciprocally, as a citizen of the United States.

When he additional five years' residence is not required.

II. Relating to the second article of the convention.

Swedes naturalized in the United States and returning to their original country, liable to fulfill their military service.

If a former Swede or Norwegian, who under the first article is to be held as an adopted citizen of the United States of America, has emigrated after he has attained the age when he becomes liable to military service, and returns again to his original country, it is agreed that he remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the act of emigration itself, unless thereby have been committed any punishable action against Sweden or Norway, or against a Swedish or Norwegian citizen, such as non-fulfilment of military service, or desertion from the military force or from a ship, saving always the limitation established by the laws of the original country, and any other remission of liability to punishment; and that he can be held to fulfil, according to the laws, his military service, or the remaining part thereof.

III. Relating to the third article of the convention.

Swedes and Norwegians naturalized in the United States, and renewing their residence in Sweden, with the intent not to return to the United States, held to renounce their American citizenship.

It is further agreed that if a Swede or Norwegian, who has become a naturalized citizen of the United States, renews his residence in Sweden or Norway without the intent to return to America, he shall be held by the Government of the United States to have renounced his American citizenship.

The intent not to return to America may be held to exist when the person so naturalized resides more than two years in Sweden or Norway.

[SEAL.] JOSEPH J. BARTLETT.
[SEAL.] C. WACHTMEISTER.

SWISS CONFEDERATION.

1847.

CONVENTION FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE AND TAXES ON EMIGRATION.

Concluded May 18, 1847; *ratifications exchanged at Washington May* 3, 1848; *proclaimed May* 4, 1848.

The President of the United States of America and the Federal Directory of the Swiss Confederation, animated by the desire to secure and extend by an amicable convention the relations happily existing between the two countries, have to this effect appointed as their Plenipotentiaries, to wit:

The President of the United States of America, James Buchanan, Secretary of State of the United States; and the Federal Directory of the Swiss Confederation, A. C. Cazenove, Swiss Consul at Alexandria; Negotiators

Who, after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles:

ARTICLE I.

The citizens of each one of the high contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, either by testament, donation, or ab intestato, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or ab intestato, and they may take possession of the same, either personally or by attorney, and dispose of them as they may think proper, paying to the respective governments no other charges than those to which the inhabitants of the country in which the said property shall be found would be liable in a similar case; and in the absence of such heir, or heirs, the same care shall be taken of the property that would be taken in the like case for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same; and in case any dispute should arise between claimants to the same succession as to the property thereof, the question shall be decided according to the laws and by the judges of the country in which the property is situated.

Personal property may be disposed of by will or otherwise.

Property of absent heirs.

Cases of dispute.

ARTICLE II.

Real property of alien heirs, how disposed of.

If, by the death of a person owning real property in the territory of one of the high contracting parties, such property should descend, either by the laws of the country or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, a term of not less than three years shall be allowed to him to dispose of such property, and to collect and withdraw the proceeds thereof, without paying to the Government any other charges than those which in a similar case would be paid by an inhabitant of the country in which such real property may be situated.

ARTICLE III.

Duration of convention.

The present convention shall be in force for the term of twelve years from the date hereof; and further, until the end of twelve months after the Government of the United States on the one part, or that of the Swiss Confederation on the other, shall have given notice of its intention of terminating the same.

Ratifications.

This convention shall be ratified, and the ratifications shall be exchanged at Washington, within twelve months after its date, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present convention, and have thereunto affixed their seals.

Done at Washington, this eighteenth day of May, A. D. 1847, and of the Independence of the United States the seventy-first.

[SEAL.] JAMES BUCHANAN.
[SEAL.] ANT. CHS. CAZENOVE.

1850.

CONVENTION OF FRIENDSHIP, COMMERCE, AND EXTRADITION.

Concluded November 25, 1850; *ratifications exchanged at Washington November* 8, 1855; *proclaimed November* 9, 1855.

The United States of America and the Swiss Confederation, equally animated by the desire to preserve and to draw more closely the bonds of friendship which so happily exist between the two Republics, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of friendship, reciprocal establishments, commerce, and for the surrender of fugitive criminals. For this purpose they have appointed as their Plenipotentiaries, to wit:

Negotiators.

The President of the United States, A. Dudley Mann, Special Agent of the United States on a mission to the Swiss Confederation; and the Swiss Federal Council, Henry Druey, President of the Swiss Confederation, Director of the Political Department, and Frederick Frey-Hérosée, member of the Federal Council, Director of the Department of Commerce and of Tolls;

Who, after a communication of their respective full powers, have agreed to the following articles:

ARTICLE I.

The citizens of the United States of America and the citizens of Switzerland shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the constitutional or legal provisions, as well federal as State and cantonal, of the contracting parties. The citizens of the United States and the citizens of Switzerland, as well as the members of their families, subject to the constitutional and legal provisions aforesaid, and yielding obedience to the laws, regulations, and usages of the country wherein they reside, shall be at liberty to come, go, sojourn temporarily, domiciliate or establish themselves permanently, the former in the Cantons of the Swiss Confederation, the Swiss in the States of the American Union, to acquire, possess, and alienate therein property, (as is explained in Article V;) to manage their affairs; to exercise their profession, their industry, and their commerce; to have establishments; to possess warehouses; to consign their products and their merchandise, and to sell them by wholesale or retail, either by themselves or by such brokers or other agents as they may think proper; they shall have free access to the tribunals, and shall be at liberty to prosecute and defend their rights before courts of justice in the same manner as native citizens, either by themselves or by such advocates, attorneys, or other agents as they may think proper to select. No pecuniary or other more burdensome condition shall be imposed upon their residence or establishment, or upon the enjoyment of the above-mentioned rights, than shall be imposed upon citizens of the country where they reside, nor any condition whatever to which the latter shall not be subject.

Citizens to be on a footing of equality.

Liberties granted.

The foregoing privileges, however, shall not extend to the exercise of political rights, nor to a participation in the property of communities, corporations, or institutions of which the citizens of one party, established in the other, shall not have become members or co-proprietors.

Restriction on said liberties.

ARTICLE II.

The citizens of one of the two countries, residing or established in the other, shall be free from personal military service; but they shall be liable to the pecuniary or material contributions which may be required, by way of compensation, from citizens of the country where they reside, who are exempted from the said service.

Taxes.

No higher impost, under whatever name, shall be exacted from the citizens of one of the two countries, residing or established in the other, than shall be levied upon citizens of the country in which they reside, nor any contribution whatsoever to which the latter shall not be liable.

In case of war, or of expropriation for purposes of public utility, the citizens of one of the two countries, residing or established in the other, shall be placed upon an equal footing with the citizens of the country in which they reside with respect to indemnities for damages they may have sustained.

Indemnities for damages.

ARTICLE III.

The citizens of one of the two Republics, residing or established in the other, who shall desire to return to their country, or who shall be sent thither by a judicial decision, by an act of police, or in conformity with the laws and regulations on morals and mendicity, shall be received at all times and under all cir-

Citizens who wish or are compelled to return to their own country.

cumstances, they, their wives, and their legitimate issue, in the country to which they belong, and in which they shall have preserved their rights in conformity with the laws thereof.

ARTICLE IV.

Passports.

In order to establish their character as citizens of the United States of America, or as citizens of Switzerland, persons belonging to the two contracting countries shall be bearers of passports, or of other papers in due form, certifying their nationality, as well as that of the members of their family, furnished or authenticated by a diplomatic or consular agent of their nation, residing in the one of the two countries which they wish to inhabit.

ARTICLE V.

Personal property may be disposed of by will or otherwise.

The citizens of each one of the contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, by sale, testament, donation, or in any other manner; and their heirs, whether by testament or ab intestato, or their successors, being citizens of the other party, shall succeed to the said property, or inherit it, and they may take possession thereof, either by themselves or by others acting for them; they may dispose of the same as they may think proper, paying no other charges than those to which the inhabitants of the country wherein the said property is situated shall be liable to pay in a similar case. In the absence of such heir, heirs, or other successors, the same care shall be taken by the authorities for the preservation of the property that would be taken for the preservation of the property of a native of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same.

Property of absent heirs.

Real estate.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the Cantons of the Swiss Confederation, in which foreigners shall be entitled to hold or inherit real estate.

Real property of absent heirs; how disposed of.

But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the State or in the Canton in which it may be situated, there shall be accorded to the said heir, or other successor, such term as the laws of State or Canton will permit to sell such property; he shall be at liberty at all times to withdraw and export the proceeds thereof without difficulty, and without paying to the Government any other charges than those which in a similar case would be paid by an inhabitant of the country in which the real estate may be situated.

ARTICLE VI.

Controversies among claimants to a succession.

Any controversy that may arise among the claimants to the same succession, as to whom the property shall belong, shall be decided according to the laws and by the judges of the country in which the property is situated.

ARTICLE VII.

The contracting parties give to each other the privilege of having, each, in the large cities and important commercial places of their respective States, Consuls and Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers, in the discharge of their duties, as those of the most favored nations. But before any Consul [or Vice-Consul*] shall act as such, he shall, in the ordinary form, be approved of by the Government to which he is commissioned. Consular officers.

In their private and business transactions, Consuls and Vice-Consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside

It is hereby understood that in case of offence against the laws by a Consul or a Vice-Consul, the Government to which he is commissioned may, according to circumstances, withdraw his exequatur, send him away from the country, or have him punished in conformity with the laws, assigning to the other Government its reasons for so doing. Exequatur.

The archives and papers belonging to the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate, or other functionary, visit, seize, or in any way interfere with them. Archives to be inviolate.

ARTICLE VIII.

In all that relates to the importation, exportation, and transit of their respective products, the United States of America and the Swiss Confederation shall treat each other, reciprocally, as the most favored nation, union of nations, State, or society, as is explained in the following articles. Each nation to have rights of the most favored nation, respecting imports, exports, and transit of products.

ARTICLE IX.

Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation, or transit of the natural or industrial products of the other, than are or shall be payable upon the like articles, being the produce of any other country, not embraced within its present limits. Duties.

ARTICLE X.

In order the more effectually to attain the object contemplated in Article VIII, each of the contracting parties hereby engages not to grant any favor in commerce to any nation, union of nations, State, or society, which shall not immediately be enjoyed by the other party. Commercial privileges.

ARTICLE XI.

Should one of the contracting parties impose differential duties upon the products of any nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products, destined to enter the country by which the differential duties are imposed. Origin of products.

*The words "or Vice-Consul" by a clerical error were omitted in the English text, but their equivalent "ou un Vice-Consul" is found in the French text.

ARTICLE XII.

Commerce.

The Swiss territory shall remain open to the admission of articles arriving from the United States of America; in like manner, no port of the said States shall be closed to articles arriving from Switzerland, provided they are conveyed in vessels of the United States, or in vessels of any country having free access to the ports of said States. Swiss merchandise arriving under the flag of the United States, or under that of one of the nations most favored by them, shall pay the same duties as the merchandise of such nation; under any other flag it shall be treated as the merchandise of the country to which the vessel belongs.

Shipwrecks.

In case of shipwreck and of salvage on the coasts of the United States, Swiss merchandise shall be respected and treated as that belonging to citizens of the said States.

Most favored nation.

The United States consent to extend to Swiss products, arriving or shipped under their flag, the advantages which are or shall be enjoyed by the products of the most favored nation arriving or shipped under the same flag.

It is hereby understood that no stipulation of the present article shall in any manner interfere with those of the four aforegoing articles, nor with the measures which have been or shall be adopted by either of the contracting countries in the interest of public morality, security, or order.

ARTICLE XIII.

Extradition of criminals

The United States of America and the Swiss Confederation, on requisitions made in their name through the medium of their respective Diplomatic or Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial if the crime had been committed in the country where the persons so accused shall be found.

ARTICLE XIV.

Crimes.

Persons shall be delivered up, according to the provisions of this convention, who shall be charged with any of the following crimes, to wit:

Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; forgery, or the emission of forged papers; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE XV.

Surrender.

On the part of the United States, the surrender shall be made only by the authority of the Executive thereof; and on the part of the Swiss Confederation, by that of the Federal Council.

ARTICLE XVI.

The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand. Expenses.

ARTICLE XVII.

The provisions of the aforegoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character. No extradition for past or political offences.

ARTICLE XVIII.

The present convention is concluded for the period of ten years, counting from the day of the exchange of the ratifications; and if, one year before the expiration of that period, neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place. Duration of convention.

ARTICLE XIX.

This convention shall be submitted, on both sides, to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at the city of Washington as soon as circumstances shall admit. Ratifications.

In faith whereof, the respective Plenipotentiaries have signed the above articles, under reserve of the above-mentioned ratifications, both in the English and French languages, and they have thereunto affixed their seals.

Done in quadruplicate, at the city of Berne, this twenty-fifth day of November, in the year of our Lord one thousand eight hundred and fifty.

[SEAL.] A. DUDLEY MANN.
[SEAL.] H. DRUEY.
[SEAL.] F. FREY-HÉROSÉE.

TEXAS.

1838.

CONVENTION FOR THE SETTLEMENT OF THE CLAIMS ARISING FROM THE CAPTURE, SEIZURE, AND DETENTION OF THE BRIGS POCKET AND DURANGO, AND FOR INJURIES SUFFERED BY AMERICAN CITIZENS ON BOARD THE POCKET.

Concluded April 11, 1838; *ratifications exchanged at Washington July* 6, 1838; *proclaimed July* 6, 1838.

Negotiators.

Alcée La Branche, Chargé d'Affaires of the United States of America, near the Republic of Texas, acting on behalf of the said United States of America, and R. A. Irion, Secretary of State of the Republic of Texas, acting on behalf of the said Republic, have agreed to the following articles:

ARTICLE I.

Texas agrees to indemnify United States.

The Government of the Republic of Texas, with a view to satisfy the aforesaid reclamations for the capture, seizure, and confiscation of the two vessels aforementioned, as well as for indemnity to American citizens who have suffered injuries from the said Government of Texas, or its officers, obliges itself to pay the sum of eleven thousand seven hundred and fifty dollars ($11,750) to the Government of the United States of America, to be distributed amongst the claimants by the said Government of the United States of America.

ARTICLE II.

Payment of said indemnity.

The sum of eleven thousand seven hundred and fifty dollars, ($11,750,) agreed on in the first art[icle,] shall be paid in gold or silver, with interest at six per cent., one year after the exchange of the ratifications of this convention. The said payment shall be made at the seat of Government of the Republic of Texas, into the hands of such person or persons as shall be duly authorized by the Government of the United States of America to receive the same.

ARTICLE III.

Ratifications.

The present convention shall be ratified, and the ratifications thereof shall be exchanged in the city of Washington, in the space of three months from this date, or sooner if possible.

In faith whereof the parties above named have respectively subscribed these articles, and thereto affixed their seals.

Done at the city of Houston on the eleventh day of the month of April, one thousand eight hundred and thirty-eight.

[SEAL.] ALCÉE LA BRANCHE.
[SEAL.] R. A. IRION.

1838.

CONVENTION FOR MARKING THE BOUNDARY.

Concluded April 25, 1838; *ratifications exchanged at Washington October* 12, 1838; *proclaimed October* 13, 1838.

Whereas the treaty of limits made and concluded on the twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, between the United States of America on the one part and the United Mexican States on the other, is binding upon the Republic of Texas, the same having been entered into at a time when Texas formed a part of the said United Mexican States;

And whereas it is deemed proper and expedient, in order to prevent future disputes and collisions between the United States and Texas in regard to the boundary between the two countires as designated by the said treaty, that a portion of the same should be run and marked without unnecessary delay:

The President of the United States has appointed John Forsyth their Plenipotentiary, and the President of the Republic of Texas has appointed Memucan Hunt its Plenipotentiary; Negotiators.

And the said Plenipotentiaries, having exchanged their full powers, have agreed upon and concluded the following articles:

ARTICLE I.

Each of the contracting parties shall appoint a commissioner and surveyor, who shall meet, before the termination of twelve months from the exchange of the ratifications of this convention, at New Orleans, and proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulph of Mexico, to the Red River. They shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this convention, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary. Boundary line.

ARTICLE II.

And it is agreed that until this line shall be marked out, as is provided for in the foregoing article, each of the contracting parties shall continue to exercise jurisdiction in all territory over which its jurisdiction has hitherto been exercised; and that the remaining portion of the said boundary line shall be run and marked at such time hereafter as may suit the convenience of both the contracting parties, until which time each of the said parties shall exer- Each party to exercise jurisdiction until the line is marked.

cise, without the interference of the other, within the territory of which the boundary shall not have been so marked and run, jurisdiction to the same extent to which it has been heretofore usually exercised.

ARTICLE III.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, within the term of six months from the date hereof, or sooner if possible.

Ratifications.

In witness whereof we, the respective Plenipotentiaries, have signed the same, and have hereunto affixed our respective seals.

Done at Washington this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and thirty-eight, in the sixty-second year of the Independence of the United States of America, and in the third of that of the Republic of Texas.

[SEAL.] JOHN FORSYTH.
[SEAL.] MEMUCAN HUNT.

TRIPOLI.

1796.*

TREATY OF PEACE AND FRIENDSHIP.

Concluded November 4, 1796; *Ratification advised by the Senate June* 7, 1797; *proclaimed June* 10, 1797.

ARTICLE I.

There is a firm and perpetual peace and friendship between the United States of America and the Bey and subjects of Tripoli of Barbary, made by the free consent of both parties, and guaranteed by the Most Potent Dey and Regency of Algiers.

Peace under the guarantee of the Dey of Algiers.

ARTICLE II.

If any goods belonging to any nation with which either of the parties is at war, shall be loaded on board of vessels belonging to the other party, they shall pass free, and no attempt shall be made to take or detain them.

Enemy's goods.

ARTICLE III.

If any citizens, subjects, or effects belonging to either party, shall be found on board a prize-vessel taken from an enemy by the other party, such citizens or subjects shall be set at liberty and the effects restored to the owners.

Persons and property in enemy's vessels.

ARTICLE IV.

Proper passports are to be given to all vessels of both parties, by which they are to be known. And considering the distance between the two countries, eighteen months from the date of this treaty shall be allowed for procuring such passports. During this interval, the other papers belonging to such vessels shall be sufficient for their protection.

Passports.

ARTICLE V.

A citizen or subject of either party having bought a prize-vessel condemned by the other party or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for one year; this being a reasonable time for her to procure a proper passport.

Condemnation and bill of sale of a prize-vessel to be available as passport for one year.

* See Notes: "Abrogated, suspended, or obsolete treaties."

ARTICLE VI.

Vessels putting into ports of the parties for provisions or repairs.

Vessels of either party putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price. And if any such vessel shall so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reimbark her cargo, without paying any duties. But in no case shall she be compelled to land her cargo.

ARTICLE VII.

Shipwrecks

Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her people—no pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succoured till they can be sent to their country.

ARTICLE VIII.

Neutrality of ports.

If a vessel of either party should be attacked by an enemy within gun shot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port within twenty-four hours after her departure.

ARTICLE IX.

Commerce.

The commerce between the United States and Tripoli; the protection to be given to merchants, masters of vessels and seamen; the reciprocal right of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls are declared to be on the same footing with those of the most favoured nations respectively.

ARTICLE X.

Price of peace.

The money and presents demanded by the Bey of Tripoli, as a full and satisfactory consideration on his part, and on the part of his subjects, for this treaty of perpetual peace and friendship, are acknowledged to have been received by him previous to his signing the same, according to a receipt which is hereto annexed; except such part as is promised on the part of the United States, to be delivered and paid by them on the arrival of their Consul in Tripoli, of which part a notice is likewise hereto annexed. And no pretence of any periodical tribute or farther payment is ever to be made by either party.

ARTICLE XI.

Religious freedom.

As the Government of the United States of America is not in any sense founded on the Christian Religion; as it has in itself no character of enmity against the laws, religion, or tranquillity of Musselmen; and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries.

ARTICLE XII.

In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever. But if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, an amicable referrence shall be made to the mutual friend of the parties, the Dey of Algiers, the parties hereby engaging to abide by his decision. And he, by virtue of his signature to this treaty, engages for himself and his successors to declare the justice of the case according to the true interpretation of the treaty, and to use all the means in his power to enforce the observance of the same.

Disputes between the parties to be referred to the Dey of Algiers.

Signed and sealed at Tripoli of Barbary, the 3d day of Jumad, in the year of the Hegira 1211, corresponding with the 4th day of November, 1796, by

[SEAL.]	JUSSUF BASHAW MAHOMET, *Bey.*
[SEAL.]	MAMET, *Treasurer.*
[SEAL.]	AMET, *Minister of Marine.*
[SEAL.]	AMET, *Chamberlain.*
[SEAL.]	ALLY, *Chief of the Divan.*
[SEAL.]	SOLIMAN KAYA.
[SEAL.]	GALIL, *General of the Troops.*
[SEAL.]	MAHOMET, *Comt. of the City.*
[SEAL.]	MAMET, *Secretary.*

Signed and sealed at Algiers, the 4th day of Argil, 1211, corresponding with the 3d day of January, 1797, by

[SEAL.] HASSAN BASHAW, *Dey.*

And by the Agent Plenipotentiary of the United States of America,

[SEAL.] JOEL BARLOW.

I, Joel Barlow, Agent and Consul General of the United States of America, for the City and Kingdom of Algiers, certify and attest that the foregoing is a true copy of the treaty, concluded between the said United States and the Bey and subjects of Tripoli of Barbary, of which the original is to be transmitted by me to the Minister of the said United States, in Lisbon.

Certificate of the copy, by Joel Barlow.

In testimony whereof, I sign these presents with my hand, and affix thereto the seal of the Consulate of the United States, at Algiers, this 4th day of January, 1797.

[SEAL.] JOEL BARLOW.

To all to whom these presents shall come or be made known:

Whereas the under-written David Humphreys hath been duly appointed Commissioner Plenipotentiary, by letters-patent under the signature of the President and seal of the United States of America, dated the 30th of March, 1795, for negociating and concluding a treaty of peace with the most illustrious the Bashaw, Lords and Governors of the City and Kingdom of Tripoli: Whereas, by a writing under his hand and seal, dated the 10th of February, 1796, he did, (in conformity to the authority committed me therefor,) constitute and appoint Joel Barlow, and Joseph Donaldson, junior, agents, jointly and separately in the business aforesaid: Whereas the

Confirmation of the treaty by David Humphreys.

annexed treaty of peace and friendship was agreed upon, signed and sealed at Tripoli of Barbary, on the 4th of November, 1796, in virtue of the powers aforesaid, and guaranteed by the Most Potent Dey and Regency of Algiers: And whereas the same was certified at Algiers on the 3d of January, 1797, with the signature and seal of Hassan Bashaw, Dey, and of Joel Barlow, one of the agents aforesaid, in the absence of the other.

Now, know ye, that I, David Humphreys, Commissioner Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained, reserving the same nevertheless for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In testimony whereof, I have signed the same with my name and seal, at the city of Lisbon, this 10th of February, 1797.

[SEAL.] DAVID HUMPHREYS.

1805.

TREATY OF PEACE, AMITY, AND COMMERCE.

Concluded June 4, 1805; *ratification advised by the Senate April* 12, 1806.

ARTICLE I.

Peace and friendship re-established.

There shall be from the conclusion of this treaty a firm, inviolable, and universal peace, and a sincere friendship, between the President and citizens of the United States of America, on the one part, and the Bashaw, Bey, and subjects of the Regency of Tripoli, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favoured nation. And if either party shall hereafter grant to any other nation any particular favour or privilege in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, but where the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

Commerce.

ARTICLE II.

Prisoners to be exchanged.

The Bashaw of Tripoli shall deliver up to the American squadron now off Tripoli all the Americans in his possession, and all the subjects of the Bashaw of Tripoli now in the power of the United States of America shall be delivered up to him; and as the number of Americans in possession of the Bashaw of Tripoli amounts to three hundred persons, more or less, and the number of Tripoline subjects in the power of the Americans to about one hundred, more or less, the Bashaw of Tripoli shall receive from the United States of America the sum of sixty thousand dollars, as a payment for the difference between the prisoners herein mentioned.

ARTICLE III.

American forces to be withdrawn.

All the forces of the United States which have been or may be in hostility against the Bashaw of Tripoli, in the province of Derne, or elsewhere within the dominions of the said Bashaw, shall be withdrawn therefrom; and no supplies shall be given by or

in behalf of the said United States, during the continuance of this peace, to any of the subjects of the said Bashaw who may be in hostility against him, in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said Bashaw, who has co-operated with them at Derne, &c., to withdraw from the territory of the said Bashaw of Tripoli, but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the Bashaw engages to deliver up to him his wife and children, now in his power.

ARTICLE IV.

If any goods belonging to any nation with which either of the parties are at war should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

Free ships make free goods.

ARTICLE V.

If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and their effects so captured shall be restored to their lawful owners, or their agents.

Citizens to be given up if taken in prize vessels.

ARTICLE VI.

Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Tripoli, on meeting with merchant-vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these two only shall be permitted to go on board said vessel, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner. All vessels of war belonging to the United States of America, on meeting with a cruizer belonging to the Regency of Tripoli, on having seen her passport and certificate from the Consul of the United States of America residing in the Regency, shall permit her to proceed on her cruize unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretence whatever.

Passports.

ARTICLE VII.

A citizen or subject of either of the contracting parties, having bought a prize-vessel, condemned by the other party, or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for two years, which,

Passports of prize vessels.

considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

ARTICLE VIII.

Vessels may enter ports for supplies and repairs without payment of duties.

Vessels of either party, putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price, and if any such vessel should so put in, from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reimbark her cargo without paying any duties; but in no case shall she be compelled to land her cargo.

ARTICLE IX.

Assistance to be given to distressed vessels.

Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her crew. No pillage shall be allowed, the property shall remain at the disposition of the owners, and the crew protected and succoured, till they can be sent to their country.

ARTICLE X.

The time when, and the distance at which, an enemy's vessel may be attacked.

If a vessel of either party shall be attacked by an enemy within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port within twenty-four hours after her departure.

ARTICLE XI.

Commerce and Consuls.

The commerce between the United States of America and the Regency of Tripoli; the protections to be given to merchants, masters of vessels, and seamen; the reciprocal right of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing with those of the most favoured nations, respectively.

ARTICLE XII.

Consul not liable for debts of his own citizens.

The Consul of the United States of America shall not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

ARTICLE XIII.

Salutes.

On a vessel of war belonging to the United States of America, anchoring before the city of Tripoli, the Consul is to inform the Bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

ARTICLE XIV.

Religious freedom.

As the Government of the United States of America has in itself no character of enmity against the laws, religion, or tranquility of Musselmen, and as the said States never have entered into any voluntary war or act of hostility against any Mahometan na-

tion, except in the defence of their just rights to freely navigate the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations. And the Consuls and Agents of both nations respectively, shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said Consul's house at hours of prayer. The Consuls shall have liberty and personal security given them to travel within the territories of each other both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have likewise the liberty to appoint their own drogaman and brokers.

Consuls at liberty to travel and visit ships.

ARTICLE XV.

In case of any dispute arising, from the violation of any of the articles of this treaty, no appeal shall be made to arms; nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, the Government of that country shall state their grievances in writing, and transmit it to the Government of the other; and the period of twelve callendar months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and war should be the event, the Consuls and citizens or subjects of both parties, reciprccally, shall be permitted to embark with their effects unmolested on board of what vessel or vessels they shall think proper.

Time allowed to settle disputes before an appeal to arms.

ARTICLE XVI.

If, in the fluctuation of human events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves, but shall be exchanged rank for rank. And if there should be a deficiency on either side, it shall be made up by the payment of five hundred Spanish dollars for each captain, three hundred dollars for each mate and supercargo, and one hundred Spanish dollars for each seaman so wanting. And it is agreed that prisoners shall be exchanged in twelve months from the time of their capture; and that this exchange may be effected by any private individual legally authorized by either of the parties.

Prisoners.

ARTICLE XVII.

If any of the Barbary States, or other Powers, at war with the United States of America, shall capture any American vessel, and send her into any of the ports of the Regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the port, on procuring the requisite supplies of provisions; and no duties shall be exacted on the sale of prizes, captured by vessels sailing under the flag of the United States of America, when brought into any port in the Regency of Tripoli.

Vessels of United States captured not to be sold in ports of Tripoli. No duty to be imposed on sale of prizes of United States.

Article XVIII.

Disputes to be settled by the consul of United States.

If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul shall decide between the parties, and whenever the Consul shall require any aid or assistance from the Government of Tripoli to enforce his decisions, it shall immediately be granted to him, and if any dispute shall arise between any citizen of the United States and the citizens or subjects of any other nation having a Consul or Agent in Tripoli; such dispute shall be settled by the Consuls or Agents of the respective nations.

Article XIX.

The *lex loci* to prevail with regard to homicides.

If a citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

Article XX.

Estates of decedents.

Should any citizen of the United States of America die within the limits of the Regency of Tripoli, the Bashaw and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the Bashaw or his subjects give hindrance in the execution of any will that may appear.

Whereas the undersigned, Tobias Lear, Consul General of the United States of America, for the Regency of Algiers, being duly appointed Commissioner, by letters-patent under the signature of the President and seal of the United States of America, bearing date at the city of Washington, the 18th day of November, 1803, for negociating and concluding a treaty of peace between the United States of America, and the Bashaw, Bey, and subjects of the Regency of Tripoli in Barbary.

Now know ye, that I, Tobias Lear, Commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at Tripoli, in Barbary the fourth day of June, in the year one thousand eight hundred and five, corresponding with the sixth day of the first month of Rabbia, 1220.

TOBIAS LEAR.

Having appeared in our presence, Colonel Tobias Lear, Consul-General of the United States of America, in the Regency of Algiers, and Commissioner for negociating and concluding a treaty of peace and friendship between us and the United States of America, bringing with him the present treaty of peace, with the within articles, they were by

us minutely examined, and we do hereby accept, confirm, and ratify them, ordering all our subjects to fulfill entirely their contents without any violation, and under no pretext.

In witness whereof we, with the heads of our Regency, subscribe it.

Given at Tripoli, in Barbary, the sixth day of the first month of Rabbia, 1220, corresponding with the fourth day of June, 1805.

[SEAL.]	JUSUF CARAMANLY, *Bashaw.*
[SEAL.]	MOHAMET CARABNANLY, *Bey.*
[SEAL.]	MOHAMET, *Kahia.*
[SEAL.]	HAMET, *Rais de Marine.*
[SEAL.]	MOHAMET DGHIES, *First Minister.*
[SEAL.]	SALAH, *Aga of Divan.*
[SEAL.]	SELIM, *Hasnadar.*
[SEAL.]	MURAT, *Dulartile.*
[SEAL.]	MURAT RAIS, *Admiral.*
[SEAL.]	SOLIMAN, *Kehia.*
[SEAL.]	ABDALLA, *Basa Aga.*
[SEAL.]	MOHAMET, *Scheig ul Belad.*
[SEAL.]	ALLI BEN DIAB, *First Secretary.*

TUNIS.

1797.

TREATY OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION.

Concluded August, 1797, *March* 26, 1799; *ratification advised by the Senate December* 25, 1799.

God is infinite.

Under the auspices of the greatest, the most powerful of all the Princes of the Ottoman nation who reign upon the earth, our most glorious and most august Emperor, who commands the two lands and the two seas, Selim Kan, the victorious son of the Sultan Moustafa, whose realm may God prosper until the end of ages, the support of Kings, the Seal of Justice, the Emperor of Emperors.

The Most Illustrious and Most Magnificent Prince, Hamouda Pacha, Bey, who commands the Odgiak of Tunis, the abode of happiness, and the Most Honored Ibrahim Dey, and Soliman, Aga of the Janissaries, the Chief of the Divan, and all the Elders of the Odgiak; and the Most Distinguished and Honored President of the Congress of the United States of America, the most distinguished among those who profess the religion of the Messiah, of whom may the end be happy.

We have concluded between us the present treaty of peace and friendship, all the articles of which have been framed by the intervention of Joseph Stephen Famin, French merchant residing at Tunis, Chargé d'Affaires of the United States of America, which stipulations and conditions are comprised in twenty-three articles, written and expressed in such manner as to leave no doubt of their contents, and in such way as not to be contravened.

ARTICLE I.

Declaration of amity.

There shall be a perpetual and constant peace between the United States of America and the Magnificent Pacha, Bey of Tunis; and also a permanent friendship, which shall more and more increase.

ARTICLE II.

Restoration of subjects and goods.

If a vessel of war of the two nations shall make prize of an enemy's vessel, in which may be found effects, property, and subjects of the two contracting parties, the whole shall be restored: the Bey shall restore the property and subjects of the United States, and the latter shall make a reciprocal restoration, it being understood on both sides that the just right to what is claimed shall be proved.

ARTICLE III.

Merchandise belonging to any nation which may be at war with one of the contracting parties, and loaded on board of the vessels of the other, shall pass without molestation, and without any attempt being made to capture or detain it.

Enemies' goods on board a vessel of the parties to be free.

ARTICLE IV.

On both sides sufficient passports shall be given to vessels, that they may be known and treated as friendly; and, considering the distance between the two countries, a term of eighteen months is given, within which term respect shall be paid to the said passports, without requiring the congé or document, (which, at Tunis, is called testa,) but after the said term the congé shall be presented.

Passports.

ARTICLE V.

If the corsairs of Tunis shall meet at sea with ships of war of the United States, having under their escort merchant-vessels of their nation, they shall not be searched or molested; and in such case the commanders shall be believed upon their word, to exempt their ships from being visited, and to avoid quarantine. The American ships of war shall act in like manner towards merchant-vessels escorted by the corsairs of Tunis.

Commander of a convoy to be believed upon his word in order to exempt it from search and quarantine.

ARTICLE VI.*

If a Tunisian corsair shall meet with an American merchant-vessel, and shall visit it with her boat, she shall not exact anything, under pain of being severely punished. And in like manner if a vessel of war of the United States shall meet with a Tunisian merchant-vessel, she shall observe the same rule.

Nothing to be exacted on account of visits at sea.

In case a slave shall take refuge on board of an American vessel of war, the Consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board the Tunisian vessels they shall be restored. But if any slave shall take refuge in any American merchant-vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

Fugitive slaves and prisoners to be restored.

ARTICLE VII.

An American citizen having purchased a prize vessel from our Odgiak, may sail with our passport, which we will deliver for the term of one year, by force of which our corsairs which may meet with her shall respect her; the Consul, on his part, shall furnish her with a bill of sale, and, considering the distance of the two countries, this term shall suffice to obtain a passport in form. But, after the expiration of this term, if our corsairs shall meet with her without the passport of the United States, she shall be stopped and declared good prize, as well the vessel as the cargo and crew.

Prize vessels, how protected.

* This article is amended by the Convention of February 24, 1824.

ARTICLE VIII.

Vessels may freely enter ports for supplies and repairs.

If a vessel of one of the contracting parties shall be obliged to enter into a port of the other, and may have need of provisions and other articles, they shall be granted to her without any difficulty, at the price current at the place; and if such a vessel shall have suffered at sea, and shall have need of repairs, she shall be at liberty to unload and reload her cargo, without being obliged to pay any duty; and the captain shall only be obliged to pay the wages of those whom he shall have employed in loading and unloading the merchandise.

ARTICLE IX.

Shipwrecks.

If, by accident and by the permission of God, a vessel of one of the contracting parties shall be cast by tempest upon the coasts of the other, and shall be wrecked or otherwise damaged, the commandant of the place shall render all possible assistance for its preservation, without allowing any person to make any opposition; and the proprietor of the effects shall pay the costs of salvage to those who may have been employed.

ARTICLE X.

Neutrality to be enforced.

In case a vessel of one of the contracting parties shall be attacked by an enemy under the cannon of the forts of the other party, she shall be defended and protected as much as possible; and when she shall set sail, no enemy shall be permitted to pursue her from the same port, or any other neighboring port, for forty-eight hours after her departure.

ARTICLE XI.*

Salutes.

When a vessel of war of the United States of America shall enter the port of Tunis, and the Consul shall request that the castle may salute her, the number of guns shall be fired which he may request; and if the said Consul does not want a salute, there shall be no question about it.

But in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted and returned by the vessel in as many barrels of cannon powder.

The same shall be done with respect to the Tunisian corsairs when they shall enter any port of the United States.

ARTICLE XII.*

Merchants may free vent establishments and have interpreters.

When citizens of the United States shall come within the dependencies of Tunis, to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

* Articles XI and XII are amended by the Convention of February 24, 1824.

If any Tunisian subject shall freight an American vessel and load her with merchandise, and shall afterwards want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision the determination shall be conformed to.

Tunisian subjects freighting an American vessel must carry out the contract.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant-vessels, but not to those of war.

Captains not to be detained in port.

The subjects of the two contracting powers shall be under the protection of the Prince, and under the jurisdiction of the Chief of the place where they may be, and no other person shall have authority over them. If the commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

Protection of the subjects of the parties.

In case the Government shall have need of an American merchant-vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain agreeably to the intention of the Government, and the captain shall not refuse it.

Government of Tunis may freight American vessels.

Article XIII.

If among the crews of merchant-vessels of the United States there shall be found subjects of our enemies, they shall not be made slaves, on condition that they do not exceed a third of the crew; and when they do exceed a third, they shall be made slaves: The present article only concerns the sailors, and not the passengers, who shall not be in any manner molested.

Enemy's subjects on board the vessels of the parties made slaves.

Article XIV.*

A Tunisian merchant who may go to America with a vessel of any nation soever, loaded with merchandise which is the production of the Kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandise of their country, which they may bring to Tunis under their flag, the same duty as the Tunisians pay in America.

Reciprocal duties.

But if an American merchant, or a merchant of any other nation, shall bring American merchandise under any other flag, he shall pay six per cent. duty: In like manner, if a foreign merchant shall bring the merchandise of his country under the American flag, he shall also pay six per cent.

American goods on foreign vessels and foreign goods on American vessels to pay six per cent. duty in Tunis.

Article XV.

It shall be free for the citizens of the United States to carry on what commerce they please in the Kingdom of Tunis, without any opposition, and they shall be treated like the merchants of other nations; but they shall not carry on commerce in wine, nor in prohibited articles; and if any one shall be detected in a contraband trade, he shall be punished according to the laws of the country. The commandants of ports and castles shall take care, that the captains

Liberty of commerce, contraband excepted.

* This article is amended by the Convention of February 24, 1824.

and sailors shall not load prohibited articles; but if this should happen those who shall not have contributed to the smuggling shall not be molested nor searched, no more than shall the vessel and cargo; but only the offender, who shall be demanded to be punished. No captain shall be obliged to receive merchandise on board his vessel, nor to unlade the same against his will, until the freight shall be paid.

Masters of vessels.

ARTICLE XVI.

The merchant-vessels of the United States which shall cast anchor in the road of the Gouletta, or any other port of the Kingdom of Tunis, shall be obliged to pay the same anchorage for entry and departure which French vessels pay, to wit: Seventeen piasters and a half, money of Tunis, for entry, if they import merchandise; and the same for departure, if they take away a cargo; but they shall not be obliged to pay anchorage if they arrive in ballast, and depart in the same manner.

Anchorage.

ARTICLE XVII.

Each of the contracting parties shall be at liberty to establish a Consul in the dependencies of the other; and if such Consul does not act in conformity with the usages of the country, like others, the Government of the place shall inform his Government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family and suite, the protection of the Government; and he may import for his own use all his provisions and furniture without paying any duty; and if he shall import merchandise, (which it shall be lawful for him to do,) he shall pay duty for it.

Consuls.

ARTICLE XVIII.

If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the Consul nor the nation, nor any subjects or citizens thereof shall be in any manner responsible, except they or the Consul shall have previously become bound in writing; and without this obligation in writing, they cannot be called upon for indemnity or satisfaction.

Subjects contracting debts.

ARTICLE XIX.

In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the Consul or the Vekil shall take possession of his effects, (if he does not leave a will,) of which he shall make an inventory; and the Government of the place shall have nothing to do therewith. And if there shall be no Consul, the effects shall be deposited in the hands of a confidential person of the place, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

Effects of a decedent.

ARTICLE XX.

The Consul shall be the judge in all disputes between his fellow-citizens or subjects, as also between all other persons who may be immediately under his protection; and in all cases wherein he shall require the assistance of the Government where he resides to sanction his decisions, it shall be granted to him.

Consul's jurisdiction.

ARTICLE XXI.

If a citizen or subject of one of the parties shall kill, wound, or strike a citizen or subject of the other, justice shall be done according to the laws of the country where the offence shall be committed: The Consul shall be present at the trial; but if any offender shall escape, the Consul shall be in no manner responsible for it.

Punishment for personal assaults.

ARTICLE XXII.

If a dispute or law-suit on commercial or other civil matters shall happen, the trial shall be had in the presence of the Consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

Disputes between subjects of the two nations.

ARTICLE XXIII.

If any difference or dispute shall take place concerning the infraction of any article of the present treaty on either side, peace and good harmony shall not be interrupted, until a friendly application shall have been made for satisfaction; and resort shall not be had to arms therefor, except where such application shall have been rejected; and if war be then declared, the term of one year shall be allowed to the citizens or subjects of the contracting parties to arrange their affairs, and to withdraw themselves with their property.

In case of national differences, accommodation to be attempted before recourse is had to arms.

The agreements and terms above concluded by the two contracting parties shall be punctually observed with the will of the Most High. And for the maintenance and exact observance of the said agreements, we have caused their contents to be here transcribed, in the present month of Rebia Elul, of the Hegira one thousand two hundred and twelve, corresponding with the month of August of the Christian year one thousand seven hundred and ninety-seven.

The Aga	IBRAHIM DEY'S	The Bey's
SOLIMAN'S	Signature	Signature
Signature and	and	and
[SEAL.]	[SEAL.]	[SEAL.]

Whereas the President of the United States of America, by his letters patent, under his signature and the seal of state, dated the [SEAL.] eighteenth day of December, one thousand seven hundred and ninety-eight, vested Richard O'Brien, William Eaton, and James Leander Cathcart, or any two of them in the absence of the third, with full powers to confer, negotiate, and conclude with the Bey and Regency of Tunis, on certain alterations in the treaty between the United States and the Government of Tunis, concluded by the intervention of Joseph Etienne Famin, on behalf of the United States, in the month of August, one thousand seven hundred and ninety-seven, we, the underwritten William Eaton and James Leander Cathcart, (Richard O'Brien being absent,) have concluded on and entered, in the foregoing treaty, certain alterations in the eleventh, twelfth, and fourteenth articles, and do agree to said treaty with said alterations, reserving

the same nevertheless for the final ratification of the President of the United States, by and with the advice and consent of the Senate.

In testimony whereof we annex our names and the consular seal of the United States. Done in Tunis, the twenty-sixth day of March, in the year of the Christian era one thousand seven hundred and ninety-nine, and of American Independence the twenty-third.

WILLIAM EATON.
JAMES LEANDER CATHCART.

1824.

CONVENTION TO ALTER ARTICLES OF TREATY OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION OF AUGUST, 1797.

Concluded February 24, 1824; *ratification advised by the Senate January* 13, 1825; *proclaimed January* 21, 1825.

Whereas sundry articles of the treaty of peace and friendship, concluded between the United States of America and Hamuda Bashaw, of happy memory, in the month of Rebia Elul, in the year of the Hegira 1212, corresponding with the month of August, of the Christian year 1797, have, by experience, been found to require alteration and amendment: In order, therefore, that the United States should be placed on the same footing with the most favored nations having treaties with Tunis, as well as to manifest a respect for the American Government, and a desire to continue unimpaired the friendly relations which have always existed between the two nations, it is hereby agreed and concluded between His Highness Sidi Mahmoud Bashaw, Bey of Tunis, and S. D. Heap, Esquire, Chargé d'Affaires of the United States of America, that alteration be made in the sixth, eleventh, twelfth, and fourteenth articles of said treaty, and that the said articles shall be altered and amended in the treaty to read as follows:

ARTICLE the 6th—*As it now is.*

If a Tunisian corsair shall meet with an American vessel, and shall visit it with her boat, two men only shall be allowed to go on board, peaceably, to satisfy themselves of its being American, who, as well as any passengers of other nations they may have on board, shall go free, both them and their goods; and the said two men shall not exact anything, on pain of being severely punished.

Nothing to be exacted on account of visits at sea.

In case a slave escapes, and takes refuge on board an American vessel of war, he shall be free, and no de-

Slaves escaping to be free.

ARTICLE the 6th—*As it was.*

If a Tunisian corsair shall meet with an American merchant vessel, and shall visit it with her boat, she shall not exact anything, under pain of being severely punished. And, in like manner, if a vessel of war of the United States shall meet with a Tunisian merchant vessel, she shall observe the same rule.

Nothing to be exacted on account of visits at sea.

In case a slave shall take refuge on board of an American vessel of war, the Consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board of the Tunisian ves-

Fugitive slaves and prisoners to be restored.

mand shall be made either for his restoration or for payment.

ARTICLE the 11th—*As it now is.*

Salutes.

When a vessel of war of the United States shall enter the port of the Gouletta, she shall be saluted with twenty-one guns, which salute the vessel of war shall return gun for gun only, and no powder will be given, as mentioned in the ancient eleventh article of this treaty, which is hereby annulled.

ARTICLE the 12th—*As it now is.*

Merchants may freely establish themselves and have interpreters.

When citizens of the United States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto, and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

Tunisian subjects freighting an American vessel must carry out the contract.

If any Tunisian subject shall freight an American vessel, and load her with merchandise, and shall afterwards want to unload, sels, they shall be restored; but if any slave shall take refuge in any American merchant vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

ARTICLE 11th—*As it was.*

Salutes.

When a vessel of war of the United States of America shall enter the port of Tunis, and the Consul shall request that the Castle may salute her, the number of guns shall be fired which he may request; and if the said Consul does not want a salute, there shall be no question about it.

But, in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted, and returned by the vessel in as many barrels of cannon-powder.

The same shall be done with respect to the Tunisian corsairs, when they shall enter any port of the United States.

ARTICLE 12th—*As it was.*

Merchants may freely establish themselves and have interpreters.

When citizens of the United States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

Tunisian subjects freighting an American vessel must carry out the contract.

If any Tunisian subject shall freight an American vessel, and load her with merchandise, and shall afterwards want to unlade or

or ship them on board of another vessel, we shall not permit him until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision the determination shall be conformed to.

Captains not to be detained in port.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant vessels, but not to those of war.

Protection of the subjects of the parties.

The subjects and citizens of the two nations, respectively, Tunisians and Americans, shall be protected in the places where they may be by the officers of the Government there existing; but, on failure of such protection, and for redress of every injury, the party may resort to the chief authority in each country, by whom adequate protection and complete justice shall be rendered.

Government of Tunis may freight American vessels.

In case the Government of Tunis shall have need of an American vessel for its service, such vessel being within the Regency, and not previously engaged, the Government shall have the preference, on its paying the same freight as other merchants usually pay for the same service, or at the like rate, if the service be without a customary precedent.

ARTICLE the 14th—*As it now is.*

Reciprocal trade.

All vessels belonging to the citizens and inhabitants of the United States shall be permitted to enter the ports of the Kingdom of Tunis, and freely trade with the subjects and inhabitants thereof, on paying the usual duties which are paid by other most favoured nations at peace with the Regency. In like manner, all vessels belonging to the subjects and inhabitants of the Kingdom of Tunis shall be permitted to enter

ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision the determination shall be conformed to.

Captains not to be detained in port.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations; which may take place with respect to merchant vessels, but not to those of war.

Protection of the subjects of the parties.

The subjects of the two contracting Powers shall be under the protection of the Prince, and under the jurisdiction of the chief of the place where they may be, and no other person shall have authority over them. If the Commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

Government of Tunis may freight American vessels.

In case the Government shall have need of an American merchant vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain, agreeably to the intention of the Government, and the captain shall not refuse it.

ARTICLE 14th—*As it was.*

Reciprocal duties.

A Tunisian merchant, who may go to America with a vessel of any nation soever, loaded with merchandize, which is the production of the Kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandize of their country, which they may bring to Tunis, under their flag, the same duty as the Tunisians pay in America.

the different ports of the United States, and freely trade with the citizens and inhabitants thereof, on paying the usual duties which are paid by other most favoured nations at peace with the United States.

But if an American merchant, or a merchant of any other nation, shall bring American merchandize under any other flag, he shall pay six per cent. duty; in like manner, if a foreign merchant shall bring the merchandize of his country under the American flag, he shall also pay six per cent.

American goods on foreign vessels and foreign goods on American vessels to pay six per cent. duty in Tunis.

Concluded, signed, and sealed, at the Palace of Bardo, near Tunis, the 24th day of the moon jumed-teni, in the year of the Hegira 1239, corresponding [to] the 24th of February, 1824, of the Christian year, and the 48th year of the Independence of the United States, reserving the same, nevertheless, for the final ratification of the President of the United States, by and with the advice and consent of the Senate.

[SEAL.] S. D. HEAP, Chargé d'Affaires.
[SEAL.] SIDI MAHMOUD.

TWO SICILIES.

1832.

CONVENTION FOR THE SETTLEMENT OF CLAIMS GROWING OUT OF THE DEPREDATIONS INFLICTED UPON AMERICAN COMMERCE BY MURAT DURING THE YEARS 1809, 1810, 1811, AND 1812.

Concluded October 14, 1832; *ratifications exchanged at Naples June* 8, 1833; *proclaimed August* 27, 1833.

The Government of the United States of America and His Majesty the King of the Kingdom of the Two Sicilies, desiring to terminate the reclamations advanced by said Government against his said Majesty, in order that the merchants of the United States may be indemnified for the losses inflicted upon them by Murat, by the depredations, seizures, confiscations, and destruction of their vessels and cargoes, during the years 1809, 1810, 1811, and 1812, and His Sicilian Majesty desiring thereby to strengthen with the said Government the bonds of that harmony, not hitherto disturbed: The said Government of the United States and his aforesaid Majesty the King of the Kingdom of the Two Sicilies, have with one accord resolved to come to an adjustment; to effectuate which, they have respectively named and furnished with the necessary powers, viz:

The said Government of the United States, John Nelson, Esquire, a citizen of said States, and their Chargé d'Affaires near His Majesty the King of the Kingdom of the Two Sicilies; and his Majesty, His Excellency D. Antonio Maria Statella, Prince of Cassaro, Marquis of Spaccaforno, Count Statella, etc., etc., etc., his said Majesty's Minister Secretary of State for Foreign Affairs, etc., etc.;

Negotiators.

Who, after the exchange of their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

His Majesty the King of the Kingdom of the Two Sicilies, with a view to satisfy the aforesaid reclamations, for the depredations, sequestrations, confiscations, and destruction of the vessels and cargoes of the merchants of the United States, (and for every expense of every kind whatsoever incident to or growing out of the same,) inflicted by Murat during the years 1809, 1810, 1811, and 1812, obliges himself to pay the sum of two millions one hundred and fifteen thousand Neapolitan ducats to the Government of the United States; seven thousand six hundred and seventy-nine

Payment to be made for spoliations on American property.

ducats, part thereof to be applied to reimburse the said Government for the expense incurred by it in the transportation of American seamen from the Kingdom of Naples, during the year 1810, and the residue to be distributed amongst the claimants by the said Government of the United States, in such manner and according to such rules as it may prescribe.

ARTICLE II.

The sum of two millions one hundred and fifteen thousand Neapolitan ducats agreed on in article the 1st, shall be paid in Naples, in nine equal installments of two hundred and thirty-five thousand ducats, and with interest thereon at the rate of four per centum per annum, to be calculated from the date of the interchange of the ratifications of this convention, untill the whole sum shall be paid. The first installment shall be payable twelve months after the exchange of the said ratifications, and the remaining installments, with the interest, successively, one year after another. The said payments shall be made in Naples into the hands of such person as shall be duly authorised by the Government of the United States to receive the same. To be paid in nine equal installments.

ARTICLE III.

The present convention shall be ratified and the ratifications thereof shall be exchanged in this capital, in the space of eight months from this date, or sooner if possible. Ratifications.

In faith whereof the parties above named have respectively subscribed these articles, and thereto affixed their seals.

Done at Naples on the 14th day of October, one thousand eight hundred and thirty-two.

[SEAL.] JNO. NELSON.
[SEAL.] The PRINCE OF CASSARO.

1835.

ARRANGEMENT PROVIDING FOR THE RECEPTION IN ONE PAYMENT OF THE BALANCE OF THE INDEMNITY REMAINING UNDER THE CONVENTION OF OCTOBER 14, 1832.

Concluded December 26, 1835.

The claimants entitled to indemnity by the award of the Commissioners under the Convention with the Kingdom of The Two Sicilies, concluded on the fourteenth of October, eighteen hundred and thirty-two, having agreed to an arrangement proposed by the Consul-General of the King of The Two Sicilies, to receive in full payment of the balance of the indemnity remaining unpaid under said convention, one million five hundred thousand Neapolitan ducats, to be paid in Naples, on the eighth day of February, eighteen hundred and thirty-six; and having authorised and requested the Government of the United States to adopt the measures necessary to accomplish that object; the President of the United States has empowered and directed the Secretary of State to make with the Chevalier Morelli, who Negotiators.

has the instructions and powers of his Government for that purpose, the following arrangement:

On the deposite in the Treasury Department by the claimants under the Treaty of Indemnity of their several certificates, the Secretary of the Treasury will give directions to the agent of the United States, to apply in Naples for one million five hundred thousand Neapolitan ducats, on or after the eighth day of February, eighteen hundred and thirty-six, to His Sicilian Majesty's Government, which, if paid, will be considered by the United States as a full and complete execution of the said treaty. The said one million five hundred thousand ducats shall be distributed *pro rata* among the claimants, according to the amount of their certificates in the Treasury Department, as the several instalments would have been paid if this arrangement had not been made. The certificates shall be delivered to His Sicilian Majesty's Government, or such other disposition made of them as it shall direct. If the said sum of one million five hundred thousand Neapolitan ducats shall not be paid within forty-eight hours after the demand so as aforesaid to be made by the agent of the United States at Naples, this arrangement shall be void and of no effect.

Money to be paid February 8, 1836.

Money to be distributed among claimants pro rata.

Signed at the city of Washington, on the twenty-sixth day of December, A. D. 1835, by John Forsyth, Secretary of State, on the part of the United States, and the Chevalier Morelli, on the part of His Majesty the King of the Two Sicilies.

JOHN FORSYTH,
Secretary of State of the United States.
The CHEVALIER DOMINICO MORELLI,
His Sicilian Majesty's Consul-General at the United States.

1845.*

TREATY OF COMMERCE AND NAVIGATION.

Concluded December 1, 1845; *ratifications exchanged at Naples, June* 1, 1846; *proclaimed July* 24, 1846.

The United States of America and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with the desire of mainte[a]ining the relations of good understanding which have hitherto so happily subsisted between their respective States, and consolidating the commercial intercourse between them, have agreed to enter in negotiations for the conclusion of a treaty of commerce and navigation, for which purpose they have appointed Plenipotentiaries, that is to say:

The President of the United States of America, William H. Polk, Chargé d'Affaires of the same United States of America to the Court of His Majesty the King of the Kingdom of the Two Sicilies; and His Majesty the King of the Kingdom of the Two Sicilies, D. Giustino Fortunato, Knight Grand Cross of the Royal Military Constantinian Order of St. George, and of Francis the 1st, Minister Secretari[y] of State of His said Majesty; D. Michael Gravina and Requesenz, Prince of Comitini, Knight Grand Cross of the Royal Order of Francis the 1st, Gentleman of the Chamber in Waiting, and Minister

Negotiators.

* See Notes: "Abrogated, suspended, or obsolete treaties."

Secretary of State of his said Majesty; and D. Antonio Spinelli, of Scalea, Commander of the Rl. Order of Francis the 1st, Gentleman of the Chamber of His said Majesty, Member of the General Consulta, and Surintendant-General of the Archives of the Kingdom;

Who, after having each others exchanged their full powers, found in good and due forme, have concluded and signed the following articles:

ARTICLE I.

Freedom of commerce and navigation.

There shall be reciprocal liberty of commerce and navigation between the United States of America and the Kingdom of the Two Sicilies.

No discriminating duties on account of nationality of imports.

Most favored nation.

No duty of customs, or other impost, shall be charged upon any goods the produce or manufacture of one country, upon importation by sea or by land from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country; and the United States of America and His Majesty the King of the Kingdom of the Two Sicilies do hereby engage that the subjects or citizens of any other State shall not enjoy any favour, privilege, or immunity whatever, in matters of commerce and navigation, which shall not also and at the same time be extended to the subjects or citizens of the other high contracting party, gratuitously, if the concession in favour of that other State shall have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concessions shall have been conditional.

ARTICLE II.

No discrimination in duties, drawbacks, and bounties.

All articles of the produce or manufacture of either country, and of their respective States, which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties and enjoy the same privileges, whet[h]er imported in ships of the one country or in ships of the other; and, in like manner, all goods which can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-[e]xported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties, and allowances, whether exported in ships of the one country or in ships of the other.

ARTICLE III.

No discrimination in tonnage, harbor, and light-house duties.

No duties of tonnage, harbour, light-houses, pilotage, quarantine, or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the Kingdom of the Two Sicilies, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed in the like cases on national vessels.

ARTICLE IV.

Coasting trade.

It is hereby declared, that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another, situated in the States of either contracting party, such navigation and trade being

reserved exclusively to national vessels. Vessels of either country shall, however, be permitted to load or unload the whole or part of their cargoes at one or more ports in the States of either of the high contracting parties, and then to proceed to complete the said loading or unloading *to* [at] any other port or ports in the same States.

ARTICLE V.

No discrimination in purchase of imports on account of nationality of vessels importing same.

Neither of the two Governments, nor any corporation or agent acting in behalf or under the authority of either Government, shall, in the purchase of any article which, being the growth, produce, or manufacture of the one country, shall be imported into the other, give, directly or indirectly, any priority or preference on account of or in reference to the national character of the vessel in which such article shall have been imported; it being the true intent and meaning of the high contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE VI.

Right of citizens of one nation to travel and reside in territory of the other.

The high contracting parties engages, in regard to the personal privileges, that the citizens of the United States of America shall enjoy in the dominions of His Majesty the King of the Kingdom of the Two Sicilies, and the subjects of His said Majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the States of the two high contracting parties, subject to the same precautions of police which are practiced towards the subjects or citizens of the most favoured nations.

Personal property may be disposed of by will or otherwise.

They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, whithout the smallest hindrance or obstacle; and their heirs or representatives, being subjects or citizens of the other high contracting party, shall succeed to their personal goods, whether by testament or ab intestato; and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are.

Property of absent heirs.

Taxes.

They shall not be obliged to pay, under any pretense whatever, any taxes or impositions, other or greater than those which are paid or may hereafter be paid by the subjects or citizens of the most favoured nations, in the respective States of the high contracting parties.

Exemptions from military service and forced loans.

They shall be exempt from all military service, whether by land or by sea; from forced loans, and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appa[c]rte[a]ining thereto, destined for purposes of commerce or residence shall be respected. No

arbitrary search of or *or* visit to their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade, shall be made, but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and each of the two high contracting parties engages that the citizens or subjects of the other, residing in their respective States, shall enjoy their property and personal security in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favoured nations.

Search of houses or examination of papers.

Security to persons and property.

ARTICLE VII.

The citizens and the subjects of each of the two high contracting parties shall be free in the States of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent; nor shall the citizens and subjects of the two high contracting parties be restrained in their choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ.

Privileges of citizens of one nation in the territory of the other in business affairs.

Absolute freedom shall be given in all cases to the buyer and seller to bargain toghether, and to fix the price of any goods or merchandise imported into or to be exported from the States and dominions of the two high contracting parties; save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the States and dominions of the high contracting parties.

ARTICLE VIII.

Each of the two high contracting parties may have, in the ports of the other, Consuls, Vice-Consuls, and Commercial Agents, of their own appointment, who shall enjoy the same privileges and powers of those of the most favored nations; but if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

Consuls.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand the said deserto[e]rs, proving, by the exhibition of the registres of the vessel, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Application by consuls for assistance of local authorities.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, or if all the expenses of such imprisonment are

Deserters.

not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal, before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article IX.

Shipwrecks.

If any ships of war or merchant vessels be wrecked on the coasts of the States of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appa[u]rtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian Consul or Vice-Consul in whose district the wreck may have taken place; and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage, and expenses of quarantine, which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

Article X.

Vessels forced by stress of weather into ports.

The merchant vessels of each of the two high contracting parties, which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duty of port or navigation paid for the benefit of the State, if the motives which led to take refuge be real and evident, and if no operation of commerce be done by loading or unloading merchandises;

Loading or unloading, in certain cases, not considered engaging in commerce.

[it being] well understood, however, that the loading or unloading, which may regard the subsistence of the crew, or necessary for the reparation of the vessel, shall not be considered operations of commerce, which lead to the payement of duties, and that the said vessels do not stay in port beyond the time necessary, keeping in w[v]iew the cause which led [to] taking refuge.

Article XI.

Difference of duty.

To carry always more fully into effect the intentions of the two high contracting parties, they agree that every difference of duty, whether of the ten per cent. or other, established in the respective States, to the prejudice of the navigation and commerce of those nations which have not treaties of commerce and navigation with them, shall cease and remain abolished in conformity to the principle established in the 1st article of the present treaty, as well on the productions of the soil and industry of the Kingdom of the Two Sicilies, which therefrom shall be imported in[to] the United States of America,

whether in vessels of the one or of the other country, as on those which, in like manner, shall be imported in the Kingdom of the Two Sicilies in vessels of both countries.

They declare, besides, that as the productions of the soil and industry of the two countries, on their introduction in[to] the ports of the other, shall not be subject to greater duties than those which shall be imposed on the like productions of the most favoured nations, so the red and white wines of the Kingdom of the Two Sicilies of every kind, including those of Marsala, which may be imported directly into the United States of America, whether in vessels of the one or of the other country, shall not pay higher or greater duties than those of the red and white wines of the most favoured nations. And in like manner the cottons of the United States of America, which may be imported directly in[to] the Kingdom of the Two Sicilies, whether in vessels of the one or other nation, shall not pay higher or greater duties than the cottons of Egypt, Bengal, or those of the most favoured nations.

Duties on wines.

Duties on cottons.

ARTICLE XII.

The present treaty shall be in force from this day, and for the term of ten years, and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same; each of the said high contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term.

Duration of treaty.

ARTICLE XIII.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the King of the Kingdom of the Two Sicilies, and the ratifications shall be exchanged at Naples, at the expiration of six months from the date of its signature, or sooner if possible.

Ratifications.

In witness whereof the respective Plenipotentiair[i]es have signed the same and have affixed thereto the seal[s] of their arms.

Done at Naples the first of Di[e]cember, in the year one thousand eight hundred and forty-five.

[SEAL.] WILLIAM H. POLK.
[SEAL.] GIUSTINO FORTUNATO.
[SEAL.] IL PRINCIPE DI COMITINI.
[SEAL.] ANTONIO SPINELLI.

1855.*

CONVENTION RELATIVE TO THE RIGHTS OF NEUTRALS AT SEA.

Concluded January 13, 1855; *ratifications exchanged at Washington July* 14, 1855; *proclaimed July* 16, 1855.

The United States of America and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with a desire to maintain and to preserve from all harm the relations of good understanding which

* See Notes: "Abrogated, suspended, or obsolete treaties."

have at all times so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognize as indispensable conditions of all freedom of navigation and maritime trade. For this purpose

Negotiators.

the President of the United States has conferred full powers on Robert Dale Owen, Minister Resident at Naples of the United States of America; and His Majesty the King of the Kingdom of the Two Sicilies has conferred like powers on Mr. Louis Carafa della Spina, of the Dukes of Traetto, Weekly Major-domo of His Majesty, Commendator of His Royal Order of the Civil Merit of Francis the First, Grand Cross of the distinguished Rl. Spanish Order of Charles the Third, Great Officer of the Order of the Legion d'Honneur, Grand Cross of the Order of S. Michael of Baviera, Grand Cross of the Florentine Order of the Merit under the title of S. Joseph, Grand Cross of the Order of Parma of the Merit under the title of S. Ludovico, Grand Cross of the Brasilian Order of the Rose, provisionally charged with the port-folio of Foreign Affairs;

And said Plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

Free ships make free goods.

Neutral property.

The two high contracting parties recognize as permanent and immutable the following principles, to wit: 1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war. 2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

ARTICLE II.

Understanding as to application of these principles.

The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st article. But they declare from this time that they will take the stipulations contained in said article 1st as a rule, whenever it shall become a question, to judge of the rights of neutrality.

ARTICLE III.

Other nations may accede to this treaty.

It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

ARTICLE IV.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by His Majesty the King of the Kingdom of the Two Sicilies; and the ratifications of the same shall be exchanged at Washington within the period of twelve months, counting from this day, or sooner if possible. Ratifications.

In faith whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and thereto affixed the seal of their arms.

Done at Naples, thirteenth of January, eighteen hundred and fifty-five.

[SEAL.] ROBERT DALE OWEN.
[SEAL.] LUIGI CARAFA.

1855.*

CONVENTION OF AMITY, COMMERCE, AND NAVIGATION, AND FOR THE EXTRADITION OF CRIMINALS FUGITIVE FROM JUSTICE.

Concluded October 1, 1855; *ratifications exchanged at Naples November* 7, 1856; *proclaimed December* 10, 1856.

The United States of America and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with the desire to strengthen and perpetuate the relations of amity and good understanding which have at all times subsisted between the two countries, desiring also to extend and consolidate the commercial intercourse between them; and convinced that nothing will more contribute to the attainment of this desirable object than an entire freedom of navigation, the abolition of all differential duties of navigation and of commerce, and a perfect reciprocity, based on principles of equity, equally beneficial to both countries, and applicable alike in peace and in war, have resolved to conclude a general convention of amity, commerce, navigation, and for the surrender of fugitive criminals. For this purpose, they have respectively appointed Plenipotentiaries, to wit:

The President of the United States has appointed Robert Dale Owen, Minister Resident of the United States near His Majesty the King of the Kingdom of the Two Sicilies; and His Majesty the King of the Kingdom of the Two Sicilies has appointed Don Lewis Carafa della Spina, of the Dukes of Traetto, Weekly Majordomo of His Majesty, Commander of His Royal Order of Civil Merit of Francis the First, Grand Cross of the distinguished Royal Spanish Order of Charles the Third, Grand Officer of the Order of the Legion of Honor, Grand Cross of the Order of St. Michael of Bavaria, Grand Cross of the Florentine Order of Merit under the title of St. Joseph, Grand Cross of the Order of Merit of Parma under the title of St. Ludovico, Grand Cross of the Brazilian Order of the Rose, charged provisionally with the Portfolio of Foreign Affairs; and Don Michael Gravina e Requesenz, Prince of Comitini, his Gentleman of the Bedchamber in exercise, Chevalier Grand Cross of his Royal Order of Francis the First, invested with the Grand Cordon of the Order of the Legion of Honor, and the Grand Cross of the Negotiators.

* See Notes: "Abrogated, suspended, or obsolete treaties."

following orders, namely: of Leopold of Austria, of the Red Eagle of Prussia, of the White Eagle of Russia, of St. Maurice and Lazarus of Sardinia, of Dannebrog of Denmark, of Leopold of Belgium, and of the Crown of Oak of the Low Countries, late his Minister Secretary of State; and Don Joseph Marius Arpino, Advocate-General of the Grand Court of Accounts;

And the said Plenipotentiaries, after having exchanged their respective full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

Declaration of amity.

It is the intention of the two high contracting parties that there shall be, and continue through all time, a firm, inviolable, and universal peace, and a true and sincere friendship, between them and between their respective territories, cities, towns, and people, without exception of persons or places. But if, notwithstanding, the two nations should, unfortunately, become involved in war, one with the other, the term of six months, from and after the declaration thereof, shall be allowed to the merchants and other inhabitants, respectively, on each side, during which term they shall be at liberty to withdraw themselves, with all their effects, which they shall have the right to carry away, send away, or sell, as they please, without hinderance or molestation. During such period of six months their persons and their effects, including money, debts, shares in the public funds or in banks, and any other property, real or personal, shall be exempt from confiscation or sequestration; and they shall be allowed freely to sell and convey any real estate to them belonging, and to withdraw and export the proceeds without molestation, and without paying, to the profit of the respective governments, any taxes or dues other or greater than those which the inhabitants of the country wherein said real estate is situated shall, in similar cases, be subject to pay. And passports, valid for a sufficient term for their return, shall be granted, as a safe-conduct for themselves, their vessels, and the money and effects which they may carry or send away, against the assaults and prizes which may be attempted against their persons and effects, as well by vessels of war of the contracting parties as by their privateers.

Withdrawal of persons and property in case of war.

ARTICLE II.

Blockades.

Considering the remoteness of the respective countries of the two contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of the same blockade, shall thereby subject themselves to be detained and condemned.

By blockaded port, is understood one into which, by the disposition of the Power which attacks it with a proportionate number of ships sufficiently near, there is evident danger in entering.

Article III.

The high contracting parties, in order to prevent and avoid all dispute by determining, with certainty, what shall be considered by them contraband in time of war, and as such cannot be conveyed to the countries, cities, places, or seaports of their enemies, have declared and agreed that under the name of contraband of war shall be comprised only cannons, mortars, petards, granades, muskets, balls, bombs, gun-carriages, gunpowder, saltpetre, matches; troops, whether infantry or cavalry, together with all that appertains to them; as also every other munition of war, and generally, every species of arms, and instruments in iron, steel, brass, copper, or any other material whatever, manufactured, prepared, and made expressly for purposes of war, whether by land or sea. Contraband.

And it is expressly declared and understood that the merchandise above set forth as contraband of war shall not entail confiscation, either on the vessel on which it shall have been loaded, or on the merchandise forming the rest of the cargo of said vessel, whether the said merchandise belong to the same or to a different owner. Vessels and other goods not forfeited with the contraband.

Article IV.

The citizens and subjects of each of the high contracting parties shall have free and undoubted right to travel and reside in the States of the other, remaining subject only to the precautions of police which are practised towards the citizens or subjects of the most favored nations. Right of citizens of one nation to travel and reside in territory of the other.

Article V.

The citizens or subjects of one of the high contracting parties, travelling or residing in the territories of the other, shall be free from all military service, whether by land or sea, from all billeting of soldiers in their houses, from every extraordinary contribution, not general and by law established, and from all forced loans; nor shall they be held, under any pretence whatever, to pay any taxes or impositions, other or greater than those which are or may hereafter be paid by the subjects or citizens of the most favored nations, in the respective States of the high contracting parties. Their dwellings, warehouses, and all premises appertaining thereto, destined for purposes of commerce or residence, shall be respected. No arbitrary search of or visit to their houses, whether private or of business, and no arbitrary examination or inspection whatever of their books, papers, or accounts of trade, shall be made; but such measures shall have place only in virtue of warrant granted by the judicial authorities. And each of the high contracting parties expressly engages that the citizens or subjects of the other, residing in their respective States, shall enjoy their property and personal security, in as full and ample a manner as their own citizens or subjects, or the citizens or subjects of the most favored nations. Exemptions from military service and forced loans. Search of houses or examination of papers. Security to persons and property.

Article VI.

The citizens and subjects of each of the contracting parties, residing in the States of the other, shall be entitled to carry on commerce, arts, or trade, and to occupy dwellings, shops, and warehouses, and to dispose of their property of every kind, whether real or personal, by sale, gift, exchange, or in any other way, without hinderance or obstacle. And they shall be free to Privileges of citizens of one nation in the territory of the other in business affairs.

manage their own affairs themselves, or to commit those affairs to persons whom they may appoint as broker, factor, or agent; nor shall they be restrained in their choice of persons to act in such capacities; nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ. Absolute freedom shall also be given in all cases to the buyer and seller to bargain together, and also to fix the price of any goods or merchandise imported into or to be exported from the States of either of the contracting parties, save and except cases where the laws of the said States may require the intervention of special agents, or where, in either of the countries, articles may be the subject of a Government monopoly, as at present in the Kingdom of the Two Sicilies the royal monopolies of tobacco, salt, playing cards, gunpowder, and saltpetre.

Patents.

It being expressly understood, however, that none of the provisions of the present treaty shall be so construed as to take away the right of either of the high contracting parties to grant patents of invention or improvement, either to the inventors or to others, and that the principles of reciprocity established by this treaty shall not extend to premiums which either of the high contracting parties may grant to their own citizens or subjects for the encouragement of the building of ships to sail under their own flag.

ARTICLE VII.

Succession to property.

As to any citizen or subject of either of the high contracting parties dying within the jurisdiction of the other, his heirs being citizens or subjects of the other, shall succeed to his personal property, and either to his real estate or to the proceeds thereof, whether by testament or ab intestato; and may take possession thereof, either by themselves or by others acting for them; and may dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said property is, shall be subject to pay in like cases. And in case of the absence of the heir or of his representatives, the same care shall be taken of the said property as would be taken, in like cases, of the effects of the natives of the country itself; the respective Consular Agents having notice from the competent judicial authorities of the day and hour in which they will proceed to the imposing or removing of seals and to the making out of an inventory, in all cases where such proceedings are required by law; so that the said Consular Agent may assist thereat. The respective Consuls may demand the delivery of the hereditary effects of their countrymen, which shall be immediately delivered to them, if no formal opposition to such delivery shall have been made by the creditors of the deceased, or otherwise, as soon as such opposition shall have been legally overruled. And if a question shall arise as to the rightful ownership of said property, the same shall be finally decided by the laws and judges of the land wherein the said property is. And the citizens and subjects of either of the contracting parties in the States of the other shall have free access to the tribunals of justice of said States, on the same terms which are granted by the laws and usages of the country to native citizens or subjects; and they may employ, in defence of their interests and rights, such advocates, attornies, and other agents, being citizens or subjects of the other, as they may choose to select.

Property of absent heirs.

Trial of cases.

ARTICLE VIII.

There shall be, between the territories of the high contracting parties, reciprocal liberty of commerce and navigation; and to that effect the vessels of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever national vessels arriving from abroad are permitted to enter. And all vessels of either of the two contracting parties arriving in the ports of the other shall be treated, on their arrival, during their stay, and at their departure, on the same footing as national vessels, as regards port charges, and all charges of navigation, such as of tonnage, light-houses, pilotage, anchorage, quarantine, fees of public functionaries, as well as all taxes or impositions of whatever sort, and under whatever denomination, received in the name, and for the benefit of the Government, or of local authorities, or of any private institution whatsoever, whether the said vessels arrive or depart in ballast, or whether they import or export merchandise.

Commerce and navigation.

ARTICLE IX.

The national character of the vessels of the respective countries shall be recognized and admitted by each of the parties, according to its own laws and special rules, by means of papers granted by the competent authorities to the captains or masters. And no vessels of either of the contracting parties shall be entitled to profit by the immunities and advantages granted in the present treaty, unless they are provided with the proper papers and certificates, as required by the regulations existing in the respective countries, to establish their tonnage and their nationality.

National character of vessels.

ARTICLE X.

The vessels of each of the high contracting parties shall be allowed to introduce into the ports of the other, and to export thence, and to deposit and store there, every sort of goods, wares, and merchandise, from whatever place the same may come, the importation and exportation of which are legally permitted in the respective States, without being held to pay other or heavier custom-house duties or imposts, of whatever kind or name, other or of higher rate than those which would be paid for similar goods or products if the same were imported or exported in national vessels; and the same privileges, drawbacks, bounties, and allowances which may be allowed by either of the contracting parties on any merchandise imported or exported in their own vessels shall be allowed, also, on similar produce imported or exported in vessels of the other party.

No discrimination in duties, drawbacks, and bounties on exports and imports.

ARTICLE XI.

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, in their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account of or in reference to the character of the vessel in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference shall be made in this respect.

No discrimination in purchase of imports on account of nationality of vessel importing same.

ARTICLE XII.

Application of foregoing articles.

The principles contained in the foregoing articles shall be applicable in all their extent to vessels of each of the high contracting parties, and to their cargoes, whether the said vessels arrive from the ports of either of the contracting parties, or from those of any other foreign country, so that, as far as regards dues of navigation or of customs, there shall not be made, either in regard to direct or indirect navigation, any distinction whatever between the vessels of the two contracting parties.

ARTICLE XIII.

Fisheries and coasting trade.

The above stipulations shall not, however, extend to fisheries, nor to the coasting trade from one port to another in each country, whether for passengers or merchandise, and whether by sailing vessels or steamers, such navigation and traffic being reserved exclusively to national vessels.

But, notwithstanding, the vessels of either of the two contracting parties may load or unload in part at one or more ports of the territories of the other, and then proceed to any other port or ports in said territories to complete their loading or unloading, in the same manner as a national vessel might do.

ARTICLE XIV.

No discriminating duties on account of nationality of imports.

No higher or other duty shall be imposed on the importation, by sea or land, into the United States, of any article the growth, produce, or manufacture of the Kingdom of the Two Sicilies, or of her fisheries; and no higher or other duty shall be imposed on the importation, by sea or by land, into the Kingdom of the Two Sicilies, of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country.

No discrimination in export duties.

No other or higher duties and charges shall be imposed in the United States on the exportation of any article to the Kingdom of the Two Sicilies, or in the Kingdom of the Two Sicilies on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any foreign country. And no prohibition shall be imposed on the importation or exportation of any article the growth, produce, or manufacture of the United States or their fisheries, or of the Kingdom of the Two Sicilies and her fisheries, from or to the ports of the United States or of the Kingdom of the Two Sicilies, which shall not equally extend to every other foreign country.

ARTICLE XV.

Most favored nation.

If either of the high contracting parties shall hereafter grant to any other nation any particular favor, privilege, or immunity, in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, and on yielding the same compensation, or a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, when the grant is conditional.

ARTICLE XVI.

Vessels forced into port by stress of weather.

The vessels of either of the high contracting parties that may be constrained by stress of weather, or other accident, to seek refuge in any port within the territories of the other, shall be treated there in every respect as a national vessel would be in the same strait: Provided, however, that the causes which gave rise to this forced landing are real and evident; that the vessel does not engage in any commercial operation, as loading or unloading merchandise; and that its stay in the said port is not prolonged beyond the time rendered necessary by the causes which constrained it to land; it being understood, nevertheless, that any landing of passengers, or any loading or unloading caused by operations of repair of the vessel or by the necessity of providing subsistence for the crew, shall not be regarded as a commercial operation.

ARTICLE XVII.

Shipwrecks.

In case any ship of war or merchant-vessel shall be wrecked on the coasts or within the maritime jurisdiction of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian Consul, or Vice-Consul, in whose district the wreck may have taken place, and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine, which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

ARTICE XVIII.

Consuls.

Each of the high contracting parties grants to the other, subject to the usual exequatur, the liberty of having, in the ports of the other where foreign commerce is usually permitted, Consuls, Vice-Consuls, and Commercial Agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any such Consul, Vice-Consul, or Commercial Agent shall exercise commerce, he shall be subjected to the same laws and usages to which private individuals of the nation are subjected in the same place. And whenever either of the two contracting parties shall select for a Consular Agent a citizen or subject of this last, such Consular Agent shall continue to be regarded, notwithstanding his quality of foreign Consul, as a citizen or a subject of the nation to which he belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected. This obligation, however, shall not be so construed *so* as to embarrass his consular functions, nor to affect the inviolability of the consular archives.

ARTICLE XIX.

Settlement of disputes between masters and crews.

The said Consuls, Vice-Consuls, and Commercial Agents shall have the right as such to judge, in quality of arbitrators, such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crew, or of the captain, should disturb the public peace or order of the country, or such Consul, Vice-Consul, or Commercial Agent should require their assistance to cause his decisions to be carried into effect or supported. Nevertheless, it is understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return home, to the judicial authorities of their own country.

ARTICLE XX.

Deserters.

The said Consuls, Vice-Consuls, and Commercial Agents may cause to be arrested and sent back, either on board or to their own country, sailors and all other persons who, making a regular part of the crews of vessels of the respective nations, and having embarked under some other name than that of passengers, shall have deserted from the said vessels. For this purpose they shall apply to the competent local authorities, proving, by the register of the vessel, the roll of the crew, or, if the vessel shall have departed, with a copy of the said papers, duly certified by them, that the persons they claim formed part of the crew; and on such a reclamation, thus substantiated, the surrender of the deserter shall not be denied. Every assistance shall also be given to them for the recovery and arrest of such deserters; and the same shall be detained and kept in the prisons of the country, at the request and cost of the Consuls, until the said Consuls shall have found an opportunity to send them away. It being understood, however, that if such an opportunity shall not occur in the space of four months from the date of their arrest, the said deserters shall be set at liberty, and shall not be again arrested for the same cause. Nevertheless, if the deserter shall be found to have committed any other crime or offence on shore, his surrender may be delayed by the local authorities until the tribunal before which his case shall be pending shall have pronounced its sentence, and until such sentence shall have been carried into effect.

ARTICLE XXI.

Extradition of criminals.

It is agreed that every person who, being charged with or condemned for any of the crimes enumerated in the following article, committed within the States of one of the high contracting parties, shall seek asylum in the States, or on board the vessels of war of the other party, shall be arrested and consigned to justice on demand made, through the proper diplomatic channel, by the Government within whose territory the offence shall have been committed.

This surrender and delivery shall not, however, be obligatory on either of the high contracting parties until the other shall have presented a copy of the judicial declaration or sentence establishing the culpability of the fugitive, in case such sentence or declaration shall have been pronounced. But if such sentence or declaration shall not have been pronounced, then the surrender may be demanded, and shall

be made, when the demanding Government shall have furnished such proof as would have been sufficient to justify the apprehension, and commitment for trial, of the accused, if the offence had been committed in the country where he shall have taken refuge.

ARTICLE XXII.

Persons shall be delivered up, according to the provisions of this treaty, who shall be charged with any of the following crimes, to wit: Crimes.

Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; piracy; arson; the making and uttering of false money, forgery, including forgery of evidences of public debt, bank-bills, and bills of exchange; robbery with violence; intimidation or forcible entry of an inhabited house; embezzlement by public officers, including appropriation of public funds; when these crimes are subject, by the code of the Kingdom of the Two Sicilies to the punishment *della reclusione*, or other severer punishment, and by the laws of the United States to infamous punishment.

ARTICLE XXIII.

On the part of each country, the surrender of fugitives from justice shall be made only by the authority of the Executive thereof. The surrender to be made by the Executive.
And all expenses whatever of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand. Expenses.

ARTICLE XXIV.

The citizens and subjects of each of the high contracting parties shall remain exempt from the stipulations of the preceding articles, so far as they relate to the surrender of fugitive criminals; nor shall they apply to offences committed before the date of the present treaty, nor to offences of a political character, unless the political offender shall also have been guilty of some one of the crimes enumerated in Article XXII. Extradition not to apply to citizens, nor to previous or political offences.

ARTICLE XXV.

The present treaty shall take effect from the day in which ratifications shall be exchanged, and shall remain in force for the term of ten years, and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same; each of the said contracting parties reserving to itself the right to give such notice at the end of said term of ten years, or at any subsequent time. Duration of treaty.

ARTICLE XXVI.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of the Kingdom of the Two Sicilies; and the ratifications shall be exchanged at Naples within twelve months from the date of its signature, or sooner if possible. Ratifications.

In faith whereof, the respective Plenipotentiaries have signed the foregoing articles in the English and Italian languages, and have hereunto affixed the seals of their arms.

Done in duplicate, at the city of Naples, this first day of October, in the year of our Lord one thousand eight hundred fifty-five.

[SEAL.] ROBERT DALE OWEN.
[SEAL.] LUIGI CARAFA.
[SEAL.] PRINCPE DI COMITINI.
[SEAL.] GIUSEPPE MARIO ARPINO.

DECLARATION.

Duties on wines and cottons.

It having been stipulated in Article XI of the treaty of the first December, 1845, that the red and white wines, of every kind, of the Kingdom of the Two Sicilies, including those of Marsala, which may be imported directly into the United States of America, whether in vessels of the one or of the other country, shall not pay other or higher duties than the red and white wines of the most favored nations; and, in like manner, that the cottons of the United States of America which may be imported directly into the Kingdom of the Two Sicilies, whether in vessels of the one or of the other nation, shall not pay other or higher duties than the cottons of Egypt, Bengal, or the most favored nations:

And it being agreed in the new treaty concluded between the United States of America and the Kingdom of the Two Sicilies, and to-day signed by the undersigned, not only that no duties of customs shall be paid on merchandise the produce of one of the two countries imported into the other country, other or higher than shall be paid on merchandise of the same kind the produce of any other country, but also that, as to all duties of navigation or of customs, there shall not be made, as to the vessels of the two countries, any distinction whatever between direct and indirect navigation:

The undersigned declare, as to the construction of the new treaty, from the day on which the ratifications thereof shall be exchanged, that the red and white wines, of every kind, of the Kingdom of the Two Sicilies, including the wine of Marsala, which shall be imported into the United States of America, shall not pay other or higher duties than are paid by the red and white wines of the most favored nations.

And, in like manner, that the cottons of the United States which shall be imported into the Kingdom of the Two Sicilies shall not pay other or higher duties than the cottons of Egypt, Bengal, or the most favored nations.

Ratifications.

The present declaration shall be considered as an integral part of the said new treaty, and shall be ratified, and the ratifications thereof exchanged, at the same time as those of the treaty itself.

In faith whereof, the undersigned have hereunto set their hands and affixed the seal of their arms.

Done in duplicate, in the city of Naples, this first day of October, in the year of our Lord one thousand eight hundred and fifty-five.

[SEAL.] ROBERT DALE OWEN.
[SEAL.] LUIGI CARAFA.
[SEAL.] PRINCIPE DI COMITINI.
[SEAL.] GIUSEPPE MARIO ARPINO.

VENEZUELA.

1836.*

TREATY OF PEACE, FRIENDSHIP, NAVIGATION, AND COMMERCE.

Concluded January 20, 1836; *ratifications exchanged at Caracas May* 31, 1836; *proclaimed June* 20, 1836.

The United States of America and the Republic of Venezuela, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty of friendship, commerce, and navigation. For this most desirable object, the President of the United States of America has conferred full powers on John G. A. Williamson, a citizen of the said States, and their Chargé d'Affaires to the said Republic, and the President of the Republic of Venezuela on Santos Michelena, a citizen of the said Republic; who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

Negotiators.

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Venezuela, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

Peace and friendship.

ARTICLE II.

The United States of America and the Republic of Venezuela, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Most favored nation.

ARTICLE III.

The two high contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and

Mutual benefits in trade and residence.

*See notes: "Abrogated, suspended, or obsolete treaties."

countries of the other, and reside and trade there in all kinds of produce, manufactures and merchandize; and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees and usages there established, to which native citizens are subjected.

Coasting trade.

But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved, by the parties respectively, according to their own separate laws.

ARTICLE IV.

No discrimination in tonnage duties.

They likewise agree that whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in vessels of the Republic of Venezuela; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into the Republic of Venezula, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessels and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Venezuela.

ARTICLE V.

Definition of Venezuelan vessel.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the Republic of Venezuela, it has been stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Venezuelan vessels.

ARTICLE VI.

No discriminating duties on account of nationality of imports or exports.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufacture of the Republic of Venezuela, and no higher or other duties shall be imposed on the importation into *de* Republic of Venezuela of any articles the produce or manufacture of the United States than are or shall be payable on the like articles being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to the Republic of Venezuela, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Venezuela

to or from the territories of the United States, or to or from the territories of the Republic of Venezuela which shall not equally extend to all other nations.

ARTICLE VII.

Privileges of citizens of one nation in the territory of the other in business affairs.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandize by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the subjects or citizens of the most favoured nation.

ARTICLE VIII.

No embargo or detention of vessel or cargo for military purposes without indemnification.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargo[e]s, merchandizes, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE IX.

Vessels of either party seeking refuge in the ports of the other.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity; giving to them all favour and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle or hindrance of any kind.

ARTICLE X.

Property captured by pirates to be restored.

All the ships, merchandize, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being well understood, that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of the respective Governments.

ARTICLE XI.

Shipwrecks.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandize and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption.

ARTICLE XII.

Real and personal property may be disposed of by will or otherwise.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato; and they may take possession thereof either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And if, in the case of real [e]state, the said heirs would be prevented from entering into the possession of the inheritance on account of their c[h]aracter of aliens, there shall be granted to them the term of three years, to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XIII.

Persons and property to be protected.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse on the same terms which are usual and costumary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited on the said trials.

ARTICLE XIV.

Liberty of conscience and worship secured.

The citizens of the United States residing in the territories of the Republic of Venezuela shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on account of their religious belief. Neither shall they be annoyed, molested, or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, with the decorum due to divine worship, and with due respect to the laws, usages, and customs of the country.

Burial.

Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of Venezuela, in convenient and adequate places, to be appointed and established by themselves for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulc[h]res of the dead be disturbed in any wise nor upon any account. In like manner, the citizens of Venezuela shall enjoy within the Government and territories of the United States a perfect and unrestrained liberty of conscience and of exercising their religion publicly or privately, within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, agreeable to the laws, usages and customs of the United States.

Article XV.

It shall be lawful for the citizens of the United States of America and of the Republic of Venezuela to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall, likewise, be lawful for the citizens aforesaid to sail with their ships and merchandizes before mentioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers and in the actual service of the enemies. Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shal[l] cover the property, shall be understood as applaying to those Powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Both parties at liberty to trade with those at enmity with either.

Free ships make free goods.

Free ships to make free persons.

Article XVI.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulations, it shall always be understood that the neutral property found on board such enemy's vessel shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it: but the contracting parties agree that two months having elasped after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case, the goods and merchandizes of the neutral, embarked in such enemy's ship, shall be free.

If neutral flag protects enemy's property, then neutral property on enemy's vessel shall be considered enemy's property.

Article XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

Contraband articles.

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets,

fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastpleates, coats of mail, infantry-belts, and clothes made up in the form and for military use.

3d. Cavalry-belts and horses with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials, manufactured, prepared, and form[ed] expressly to make war by sea or land.

Article XVIII.

Goods not contraband.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Article XIX.

Mode of proceeding when only part of the goods are contraband.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great or of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

Article XX.

Blockade.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ship[s] shall be responsible, with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

Right of visitation and search.

ARTICLE XXII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters, or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that said ship really and truly belongs to the citizens of one of the parties: they have likewise agreed that such ship, being laden, besides the said sea-letters, or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sail[e]d, in the accustomed form. Without such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and satisfied or supplied by testimony entirely equivalent.

In case of war vessels to have passports.

ARTICLE XXIII.

It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels, shall apply only to those which sail without convoy, and when said vessels shall be under convoy the verbal declaration of the commander of the convoy, on his word of honour, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Vessels under convoy.

ARTICLE XXIV.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them; and whenever such tribunals, of either party, shall pronounce judgment against any vessel,

Prize courts.

or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reason or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXV.

The neutral party not to accept a commission to cruise against the other.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being considered as a pirate.

ARTICLE XXVI.

In case of war, merchants to have time to arrange their business.

If, by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever the[y] please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and of the Republic of Venezuela, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVII.

Debts and funds not to be confiscated.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXVIII.

Privileges of ministers.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and other public agents, the same favours, immunities, and exemptions, which those of the most favoured nation do or shall enjoy; it being understood that whatever favours, immunities, or privileges the United States of America or the Republic of Venezuela may find it proper to give to the Ministers and other public agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXIX.

Consuls.

To make more effectual the protection which the United States and the Republic of Venezuela shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports

open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favoured nation; each contracting party, however, remaining at liberty to ex[c]ept those ports and places in which the admission and residence of such Consuls [and Vice-Consuls] may not seem convenient.

ARTICLE XXX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside. Exequaturs.

ARTICLE XXXI.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or thier property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them. Exemptions of consuls. Consular archives inviolable.

ARTICLE XXXII.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing; proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews, and on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons, at the request and expenc[s]e of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause. Deserters.

ARTICLE XXXIII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare especially the powers and immunities of the Consuls and Vice Consuls of the respective parties. Consular convention to be concluded.

ARTICLE XXXIV.

The United States of America and the Republic of Venezuela, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty of peace, amity, commerce, and navigation, have declared solemnly and do agree to the following points:

Duration of treaty.

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty in all its parts relative to commerce and navigation shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be perpetually and permanently binding on both powers.

Individuals personally responsible for infringements of treaty.

2d. If any one *of* [or] more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

War not to be declared until remonstrance is made, and satisfaction refused.

3d. If, (what, indeed, cannot be expected,) unfortunately, any of the articles in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

Existing treaties not to be affected.

4th. Nothing in this treaty contained shall, however, be *constructed* [construed] or operate contrary to former and existing public treaties with other Sovereigns and States.

Ratifications.

The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Venezuela, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Caracas, within eight months, to be counted from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Venezuela, have signed and sealed these presents.

Done in the city of Caracas, on the twentieth day of January, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixtieth year of the Independence of the United States of America, and the twenty-sixth of that of the Republic of Venezuela.

[SEAL.] JOHN G. A. WILLIAMSON.
[SEAL.] SANTOS MICHELENA.

1859.

CONVENTION FOR THE SETTLEMENT OF AVES ISLAND CLAIMS.

Concluded January 14, 1859; *ratified February* 26, 1861.

Eduard A. Turpin, Minister Resident of the United States of America, and Luis Sanojo, Secretary of State in the Department of Foreign Relations of the Government of Venezuela, being duly authorized to form an equitable agreement for the satisfaction of the damages and losses sustained by Philo S. Shelton, Sampson and Tappan, and Lang and Delano, in consequence of the evictions of their agents and employees from the Aves Island by the forces of Venezuela, have agreed upon the following articles: Negotiators.

ARTICLE I.

The Government of Venezuela obliges itself to pay to the Government of the United States, or to its Minister Resident in Venezuela, the gross sum of one hundred and thirty thousand dollars, United States currency, ($130,000,) of which said sum, one hundred and five thousand dollars ($105,000) is in liquidation of the claims of Shelton, Sampson and Tappan, and is to be distributed among themselves, and the residue, that is to say, twenty-five thousand dollars, ($25,000,) is in liquidation of claims of Lang and Delano. Venezuela to pay the United States $130,000.

ARTICLE II.

The said sum of one hundred and thirty thousand dollars, shall be paid in the following terms: Terms of payment.

For Shelton, Tappan and Sampson:

1859.	1st June	2,500
	1st August	2,500
	1st October	2,500
	1st December	2,500
		$10,000

		For Shelton & Co.:		For Lang & Delano:	
1860.	30 June	$7,500		2,000	
	31 December	7,500		2,000	
			$15,000		$4,000
1861.	30 June	10,000		2,000	
	31 December	10,000		2,000	
			20,000		4,000
1862.	30 June	10,000		2,500	
	31 December	10,000		2,500	
			20,000		5,000
1863.	30 June	10,000		3,000	
	31 December	10,000		3,000	
			20,000		6,000
1864.	30 June	10,000		3,000	
	31 December	10,000		3,000	
			20,000		6,000
			$95,000		$25,000

Interest at the rate of five per cent. per annum shall be paid on the gross amount of indemnity, commencing from the 1st day of this present month, January, 1859, and being added to the several instalments as they fall due. The interest being always computed on the amount of indemnity, remaining unpaid at the time of the payment of the several instalments.

Interest.

ARTICLE III.

In consideration of the above agreement and indemnification, the Government of the United States, and the individuals in whose behalf they have been made, agree to desist from all farther reclamation respecting the Island of Aves.

Indemnification to be considered in full of claims against the island of Aves.

ARTICLE IV.

This agreement shall be submitted to the present National Convention, and in case it should not be ratified by it before the closing of its present session, then it shall be considered null and void.

Agreement to be submitted to the national convention.

Valencia, January the fourteenth, of eighteen hundred and fifty-nine.

E. A. TURPIN.
LUIS SANOJO.

1860.*

TREATY OF AMITY, COMMERCE, NAVIGATION, AND FOR SURRENDER OF FUGITIVE CRIMINALS.

Concluded August 27, 1860; *ratifications exchanged at Caracas August* 9, 1861; *proclaimed September* 25, 1861.

The United States of America and the Republic of Venezuela, equally animated with the desire of maintaining the cordial relations, and of tightening, if possible, the bonds of friendship between the two countries, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of amity, commerce, and navigation, and for the surrender of fugitive criminals. For this purpose, they have appointed as their Plenipotentiaries, to wit:

The President of the United States, Edward A. Turpin, Minister Resident near the Government of Venezuela; and the President of Venezuela, Pedro de las Casas, Secretary of State in the Department of Foreign Relations;

Negotiators.

Who, after a communication of their respective full powers, have agreed to the following articles:

ARTICLE I.

It is the intention of the high contracting parties that there shall continue to be a firm, inviolable, and universal peace, and a true and sincere friendship between the Republics of the United States of America and Venezuela, and between their respective coun-

Declaration of amity.

* See Notes: "Abrogated, suspended, or obsolete treaties."

tries, territories, cities, towns, and people, without exception of persons or places. If, unfortunately, the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and movables; which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and the effects which they may wish to carry with them or send away, and such passports shall be a safe conduct against the insults and captures, which privateers may attempt against their persons and effects, and the money, debts, shares in the public funds, or in banks, or any other property, personal or real, belonging to the citizens of the one party in the territories of the other shall not be confiscated or sequestrated.

Withdrawal of persons and property in case of war.

ARTICLE II.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever higher or other than those that are or may be paid by native citizens.

Exemptions from military service and forced loans.

ARTICLE III.

The citizens of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of said territories, and such as may wish to engage in business shall have the right to hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party, as well in respect to the consignment and sale of their goods by wholesale or retail, as with respect to the loading, unloading, and sending off their ships. They may also employ such agents or brokers as they may deem proper, and shall in all these cases be treated as the citizens of the country wherein they reside; it being, nevertheless, distinctly understood that they shall be subject to such laws and regulations also in respect to wholesale or retail. They shall have free access to the tribunals of justice, in cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens; for which purpose they may employ in defense of their interests and rights such advocates, attorneys, and other agents as they may think proper.

Privileges of citizen of one nation in the territory of the other in business affairs.

ARTICLE IV.

The citizens of each of the high contracting parties, residing in the other, shall enjoy the most perfect liberty of conscience. They shall be subjected to no inconveniences whatever on account of their religious belief; nor shall they in any manner be annoyed or disturbed in the exercise of their religious worship in private

Liberty of conscience and worship.

houses, or in the chapels and places which they may select for that purpose, provided that, in so doing, they observe the decorum due to the laws, usages, and customs of the country. It is likewise agreed that the citizens of the one country, dying in the territory of the other, may be interred either in the ordinary cemeteries, or in such others as may be selected for that purpose by their own Government, or by their personal friends or representatives, with the consent of the local authorities. All such cemeteries, and funeral processions going to or returning from them, shall be protected from violation or disturbance.

Cemeteries.

ARTICLE V.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise; and their personal representatives being citizens of the other contracting party, shall succeed to their personal property, whether by testament or ab intestato. They may take possession thereof, either by themselves, or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, whilst the lawful owner may take measures for securing it. If a question should arise among claimants as to the rightful ownership of the property, the same shall be [finally] decided by the judicial tribunals of the country in which it is situated.

Personal property may be disposed of by will or otherwise.

When, on the decease of any person holding real estate within the territory of one party, such real estate would by the law of the land descend on a citizen of the other, were he not disqualified by alienage, the longest term which the laws of the country in which it is situated will permit shall be accorded to him to *to* dispose of the same; nor shall he be subjected, in doing so, to higher or other dues than if he were a citizen of the country wherein such real estate is situated.

Real estate.

ARTICLE VI.

The high contracting parties hereby agree that whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into the United States, in their own vessels, may also be imported in the vessels of Venezuela, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, whether the importation be made in a vessel under the flag of the United States or a vessel under the flag of Venezuela. And, reciprocally, whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into Venezuela, in her own vessels, may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel under the flag of Venezuela or under the flag of the United States.

No discrimination in duties on imports on account of nationality of vessels importing same.

Whatever can be lawfully exported or re-exported by one party, in its own vessels, to any foreign country, may in like manner be exported or re-exported in the vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels

No discrimination in duties, drawbacks, and bounties on exports.

of the one or the other. Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other than are or shall be payable in the same ports by national vessels.

ARTICLE VII.

The preceding article is not applicable to the coasting trade of the contracting parties, which is respectively reserved by each exclusively for its own citizens. But vessels of either country shall be allowed to discharge a part of their cargo[e]s at one port, and proceed to any other port or ports in the territories of the other to discharge the remainder, without paying higher or other port charges or tonnage dues than would be paid by national vessels in such cases, so long as this liberty shall be conceded to any foreign vessels by the laws of both countries. Coasting trade.

ARTICLE VIII.

For the better understanding of the preceding stipulations, it has been agreed that every vessel belonging exclusively to a citizen or citizens of Venezuela, and whose captain is also a citizen of the same, such vessel having also complied with all the other requisites established by law to acquire such national character, though the construction and crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Venezuelan vessel. Venezuelan vessels described.

ARTICLE IX.

No higher or other duty shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of Venezuela, or of her fisheries, and no higher or other duty shall be imposed on the importation into Venezuela of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country or its fisheries. No other or higher duties or charges shall be imposed in the United States on the exportation of any article to Venezuela, nor in Venezuela on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any other foreign country. No discriminating duties on account of nationality of imports.

No prohibition shall be imposed on the importation of any article the growth, produce, or manufacture of the United States or their fisheries, or of Venezuela and her fisheries, from or to the ports of the United States or Venezuela, which shall not equally extend to every other foreign country. If, however, either party shall hereafter grant to any other nation any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it shall be freely granted to such other nation, or for the same equivalent, when the grant shall be conditional. Most favored nation.

ARTICLE X.

Should one of the high contracting parties hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products intended to enter the country by which the discriminating duties are imposed. Discriminating duties.

ARTICLE XI.

Shipwrecks.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened; and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges, or fees on such cargo as may be carried away shall be paid, except such as are payable in like case by national vessels.

It is understood, nevertheless, that if, while the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined for the reception of goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE XII.

Rights of neutrals.

It shall be lawful for the citizens of either country to sail with their ships and merchandize (contraband goods always excepted) from any port whatever to any port of the enemy of the other, and to sail and trade with their ships and merchandize, with perfect security and liberty, from the countries, ports, and places of those who are enemies of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be or be not under the jurisdiction of the same Power, unless such ports or places be effectively blockaded, besieged, or invested.

Blockade.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo (if not contraband) be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper, provided the same be not blockaded, besieged, or invested. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XIII.

Contraband of war.

In order to regulate what shall be deemed contraband of war, there shall be comprised under that denomination gunpowder, saltpetre, petards, matches, balls, bombs, grenades, carcasses, pikes, halberds, swords, belts, pistols, holsters, cavalry saddles and furniture, cannons, mortars, their carriages and beds, and generally

all kinds of arms, ammunition of war, and instruments fit for the use of troops. All the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different owner.

ARTICLE XIV.

It is hereby stipulated that free ships shall give a freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to either party, they are not to be taken out of that free ship unless they are soldiers and in actual service of the enemy.

Free ships make free goods.

Persons.

ARTICLE XV.

In time of war the merchant-ships belonging to the citizens of either of the contracting parties which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there shall just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

Vessels must exhibit passports and certificates to show absence of contraband.

ARTICLE XVI.

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that, when one party shall be engaged in war, and the other party be neutral, the ships of the neutral party shall be furnished with passports, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year—that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided, not only with the passports above mentioned, but also with certificates, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and a receipt for the same shall be given, and the ship shall be at liberty to pursue its voyage, unless the quantity of the contraband goods be greater than can conveniently be received on board the ship of war or privateer; in which case, as in all other cases of just detention, the ship shall be carried into the nearest safe and convenient port for the delivery of the same.

Neutral vessels must have passports and certificates showing whether they carry contraband.

Contraband to be seized.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal; and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

If there are no passports.

If the master of a ship, named in the passport, should happen to die, or be removed by any other cause, and another put in his place, the ship and cargo shall, nevertheless, be equally secure, and the passport remain in full force.

If master of ship dies.

ARTICLE XVII.

If the ships of the citizens of either of the parties shall be met with on the high seas by any ship of war or privateer of the other, for the avoiding of any disorder the said ships of war or privateers shall remain out of cannon-shot, and may send their boats on board the merchant-ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

Right of visitation and search.

ARTICLE XVIII.

It is expressly agreed by the high contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applicable only to ships sailing without convoy, and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient; the two parties reciprocally engaging not to admit under the protection of their convoys ships which shall have on board contraband goods destined to an enemy.

Ships sailing with convoy not to be visited.

ARTICLE XIX.

In all cases where vessels shall be captured, or detained to be carried into port, under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a copy of the said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the same. Nor shall it be lawful to sell, exchange, or alienate the said articles of contraband in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation.

Duty in case of captured vessels.

ARTICLE XX.

And in such time of war, that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, during the time the ship may be at sea after her capture, or pending the proceedings against her or her cargo, or anything relating thereto; and in all cases where a vessel of the citizens of either party shall be captured or seized and held for adjudication, her officers, passengers, and crew shall be hospitably treated; they shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate five hundred dollars each, and for the sailors and passengers one hundred dollars each.

Master of captured ship not to be removed.

Crew and passengers.

ARTICLE XXI.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them; and whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel without any delay, he paying the legal fees for the same.

Courts for prize causes.

ARTICLE XXII.

And that more abundant care may be taken for the security of the citizens of the contracting parties, and to prevent their suffering injuries, all commanders of ships of war and privateers, and all others, the said citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them; and, if they act to the contrary, they shall be punished, and shall also be bound, in their persons and estates, to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

Commanders of ships of war and privateers responsible for damages.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars, or of nine thousand four hundred dollars Venezuelan currency, or if said ship be provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars, or eighteen thousand eight hundred dollars Venezuelan currency, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during her cruise contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and, further, that in all cases of aggressions said commission shall be revoked and annulled.

Commanders of privateers to give bonds.

ARTICLE XXIII.

When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty, either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized; nor shall the officers of the place make examination concerning the lawfulness of such prizes, but they may hoist sail at any time and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law, or by treaty with the most favored nations.

Prizes.

Not to be arrested.

Limitation.

ARTICLE XXIV.

It shall not be lawful for any foreign privateers who have commissions from any Prince or State in enmity with either nation to fit their ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary to their going to the next port of that Prince or State from which they have received their commissions.

Enemies' privateers.

ARTICLE XXV.

No citizen of Venezuela shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of Venezuela, or any of them, or the property of any of them, from any Prince or State with which the said Republic shall be at war; an if any person of either nation shall take such commissions or letters of marque, he shall be punished according to their respective laws.

Citizens of one power not to use letters of marque against the other.

ARTICLE XXVI.

The high contracting parties grant to each other the liberty of having in the ports of the other Consuls or Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers as those of the most favoured nation; but if any of the said Consuls or Vice-Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

Consuls and Vice-Consuls.

It is understood that whenever either of the two contracting parties shall select a citizen of the other for a Consular Agent, to reside in any ports or commercial places of the latter, such Consul or Agent shall continue to be regarded, notwithstanding his

When consular agent is a citizen.

quality of a foreign Consul, as a citizen of the nation to which he belongs, and consequently shall be subject to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions or affect the inviolability of the consular archives.

The said Consuls and Vice-Consuls shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless their assistance should be required, or the conduct of the crews or of the captain should disturb the order or tranquillity of the country. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

Settlement of disputes between masters and crews.

The said Consuls and Vice-Consuls are authorized to require the assistance of the local authorities for the arrest and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand such deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

Deserters.

ARTICLE XXVII.

The United States of America and the Republic of Venezuela, on requisitions made in their name through the medium of their respective Diplomatic and Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: Provided, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

Extradition of criminals.

Evidence of crime.

ARTICLE XXVIII.

Persons shall be delivered up, according to the provisions of this convention, who shall be charged with any of the following crimes, to wit: murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; forgery;

Crimes

the counterfeiting of money; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE XXIX.

Executive alone to surrender.

Expenses.

On the part of each country the surrender shall be made only by the authority of the Executive thereof. The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

ARTICLE XXX.

Persons not to be extradited for political offences.

The provisions of the aforegoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

ARTICLE XXXI.

Duration of treaty.

This convention is concluded for the term of eight years, dating from the exchange of the ratification; and if one year before the expiration of that period neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

ARTICLE XXXII.

Ratifications.

This convention shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Caracas as soon as circumstances shall admit.

In faith whereof the respective Plenipotentiaries have signed the aforegoing articles, in the English and Spanish languages, and they have hereunto affixed their seals.

Done in duplicate, at the city of Caracas, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and sixty.

[SEAL.] E. A. TURPIN.
[SEAL.] PEDRO DE LAS CASAS.

1866.

CONVENTION FOR THE SETTLEMENT OF CLAIMS AGAINST VENEZUELA.

Concluded April 25, 1866; *ratifications exchanged at Caracas April* 17, 1867; *proclaimed May* 29, 1867.

The conclusion of a convention similar to those entered into with other republics, and by which the pending American claims upon Venezuela might be referred for decision to a mixed commission and an umpire, having been proposed to the Venezuelan Government on behalf of the United States of America, as a means of examining and justly

terminating such claims; and it having been thought that the adoption of the contemplated course will secure at least some of the advantages attending arbitration, so strongly recommended in article the 112th of the Federal Constitution of Venezuela, while it will preserve unimpaired, as reciprocally desired, the good understanding of both nations: The Citizen First Vice-President in charge of the Presidency has accepted the above proposal, and authorized the Minister for Foreign Relations to negotiate and sign the proper convention. Negotiators. Thereupon said Minister and Mr. E. D. Culver, Minister Resident of the United States of America, also duly empowered for that purpose, have agreed upon the following articles of convention:

ARTICLE I.

All claims on the part of corporations, companies, or individuals, citizens of the United States, upon the Government of Venezuela, which may have been presented to their Government, or to its legation in Caracas, shall be submitted for examination and decision to a mixed commission, consisting of two members, one of whom shall be appointed by the Government of the United States, and the other by that of Venezuela. In case of death, absence, resignation, or incapacity of either of the Commissioners, or in the event of either of them omitting or ceasing to act, the Government of the United States or that of Venezuela, respectively, or the Minister of the United States in Caracas, by authority of his Government, shall forthwith proceed to fill the vacancy.

Claims upon Venezuela.

Commissioners, how appointed.

Vacancies, how filled.

The Commissioners so named shall meet in the city of Caracas within four months from the exchange of the ratifications of this convention; and, before proceeding to business, they shall make solemn oath that they will carefully examine and impartially decide according to justice, and in compliance with the provisions of this convention, all claims submitted to them, and such oath shall be entered on the record of their proceedings.

Commissioners to meet, when and where.

To take oath.

The Commissioners shall then proceed to appoint an Umpire to decide upon any case or cases concerning which they may disagree, or upon any point of difference that may arise in the course of their proceedings. And if they cannot agree in the selection, the Umpire shall be named by the Diplomatic Representative either of Switzerland or of Russia, in Washington, on the previous invitation of the high contracting parties.

To select an Umpire.

ARTICLE II.

So soon as the Umpire shall have been appointed, the Commissioners shall proceed, without delay, to examine the claims which may be presented to them under this convention; and they shall, if required, hear one person in behalf of each Government on every separate claim. Each Government shall furnish, on request of either Commissioner, all such documents and papers in its possession, as may be deemed important to the just determination of any claim.

Commissioners to examine claims.

In cases where they agree to award an indemnity, they shall determine the amount to be paid, and issue certificates of the same. In cases when the Commissioners cannot agree, the points of difference shall be referred to the Umpire, before whom each of the Commissioners may be heard, and whose decision shall be final.

Award of indemnity and certificates.

Proceedings if Commissioners do not agree.

Decision of the Commissioners.

The Commissioners shall make such decision as they shall deem, in reference to such claims, comformable to justice, even though such decisions amount to an absolute denial of illegal pretensions, since the including of any such in this convention is not to be understood as working any prejudice in favor of any one, either as to principles of right or matters of fact.

ARTICLE III.

Amount of awards to be paid to the United States in ten equal annual payments.

Interest.

The Commissioners shall issue certificates of the sums to be paid to the claimants, respectively, by virtue of their decisions or those of the Umpire, and the aggregate amount of all sums awarded by the Commissioners, and of all sums accruing from awards made by the Umpire, shall be paid to the Government of the United States. Payments of said sums shall be made in equal annual payments, to be completed within ten years from the date of the termination of the labors of the commission; the first payment to be made six months from same date. Semi-annual interest shall be paid on the several sums awarded at a rate of five per cent. per annum from the date of the termination of the labors of the commission.

ARTICLE IV.

Commission, when to terminate labor.

Records of commission.

Secretary.

The commission shall terminate its labors in twelve months from the date of its organization, except that thirty days' extension may be given to issue certificates, if necessary, on the decisions of the Umpire in the case referred to in the following article. They shall keep a record of their proceedings, and may appoint a secretary.

ARTICLE V.

Decisions of commission and of Umpire to be final.

Claims not presented to be deemed invalid.

The decisions of this commission and those (in case there may be any) of the Umpire, shall be final and conclusive as to all pending claims at the date of their installation. Claims which shall not be presented within the twelve months herein prescribed will be disregarded by both Governments, and considered invalid.

Cases pending before Umpire at the termination of the commission.

In the event that, upon the termination of the labors of said commission, there should remain pending one or more cases before the Umpire awaiting his decision, the said Umpire is authorized to make his decision and transmit same to the Commissioners, who shall issue their certificates thereupon and communicate [them*] to each Government, which shall be held binding and conclusive; provided, however, that his decision shall be given within thirty days from the termination of the labors of the commission, and after the expiration of the said thirty days any decision made shall be void and of no effect.

ARTICLE VI.

Expenses.

Each Government shall pay its own Commissioner, and shall pay one-half of what may [be*] due the Umpire and secretary, and one-half the incidental expenses of the commission.

* These words by a clerical error were omitted from the English text.

ARTICLE VII.

The present convention shall be ratified, and the ratifications exchanged, so soon as may be practicable, in the city of Caracas. Ratifications.

In testimony whereof the Plenipotentiaries have signed this convention, and hereunto affixed the seals of the Ministry of Foreign Relations of the United States of Venezuela, and of the Legation of the United States of America, in Caracas, this twenty-fifth day of April, in the year one thousand eight hundred and sixty-six.

The Minister Resident of the United States of America,
[SEAL.] E. D. CULVER.
The Minister of Foreign Relations of the United States of Venezuela,
[SEAL.] RAFAEL SEIJAS.

WÜRTTEMBERG.

1844.

CONVENTION FOR ABOLITION OF DROIT D'AUBAINE AND TAXES ON EMIGRATION.

Concluded April 10, 1844; *ratifications exchanged at Berlin October* 3, 1844; *proclaimed December* 16, 1844.

The United States of America and His Majesty the King of Württemberg having resolved, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named for this purpose their respective Plenipotentiaries, namely: The President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia; and His Majesty the King of Württemberg, upon Baron de Maucler, his Captain of the Staff and Chargé d'Affaires at the said court; who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

Negotiators.

ARTICLE I.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration, is hereby and shall remain abolished, between the two contracting parties, their States, citizens, and subjects respectively.

Droit d'aubaine abolished.

ARTICLE II.

Where, on the death of any person holding real property within the territories of one party, such real property would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged according to circumstances, and to withdraw the proceeds thereof without molestation, and exempt from all duties of detraction.

Disposal of real property.

ARTICLE III.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise, and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succe[e]d to their said personal property, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

Personal property may be disposed of by will or otherwise.

ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken provisionally of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same according to article 2, may take measures to receive or dispose of the inheritance.

Property of absent heirs.

ARTICLE V.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws, and by the judges of the country where the property is situated.

Disputes to be decided by the local laws.

ARTICLE VI.

All the stipulations of the present convention shall be obligatory in respect to property already inherited or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

Property not yet withdrawn embraced in this convention.

ARTICLE VII.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of His Majesty the King of Württemberg, and the ratifications thereof shall be exchanged at Berlin, within the term of twelve months from the date of the signature hereof, or sooner if possible.

Ratification.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

Done in triplicata, in the city of Berlin, on the tenth day of April, one thousand eight hundred and forty-four, in the sixty-eighth year of the Independence of the United States of America, and the twenty-eighth of the reign of His Majesty the King of Württemberg.

[SEAL.] HENRY WHEATON.
[SEAL.] FREIHERR VON MAUCLER.

1853.

DECLARATION* OF ACCESSION TO THE CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE, OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION.

Dated October 13, 1853; *proclaimed December* 27, 1853.

Inasmuch as a convention for the reciprocal extradition of fugitive criminals in certain cases, was concluded between Prussia and other States of the Germanic Confederation on the one hand, and the United States of North America on the other, under date of June 16, 1852, at Washington, by the Plenipotentiaries of the contracting parties, and was ratified by the contracting Governments; and whereas, in the second article thereof, the United States of North America declare that they agree that the stipulations of the aforesaid convention shall be applied to any other State of the Germanic Confederation that shall subsequently declare its accession to the convention, now therefore, in pursuance thereof, the Government of His Majesty the King of Württemberg declares its accession to the aforesaid convention of June 16th, 1852, the text of which is word for word, as follows: [The original declaration here includes a copy, in German and English of the convention of June 16, 1852] and hereby gives the express assurance that each and every article and provision of this convention shall be faithfully observed and executed within the territory of the Kingdom of Württemberg.

Extradition treaty between the United States and Germanic States acceded to.

In testimony whereof, the Royal Minister of Foreign Affairs of Württemberg has, in the name of His Majesty the King of Württemberg, executed this certificate of accession, and caused the Royal Official Seal to be thereunto affixed.

Done at Stuttgart, October the 13th, 1853.

[SEAL.]

VON NEURATH,
Royal Minister of Foreign Affairs at Württemberg.

1868.

CONVENTION RELATIVE TO NATURALIZATION AND FOR EXTRADITION OF CRIMINALS.

Concluded July 27, 1868; *ratifications exchanged at Stuttgart August* 17, 1869; *exchange of ratifications consented to by Senate March* 2, 1870; *proclaimed March* 7, 1870.

The President of the United States of America and His Majesty the King of Württemberg, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Württemberg, and from Württemberg to the territory of the United States of America, have resolved to treat on this subject, and have for

*Translation.

that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary, and His Majesty the King of Württemberg, his Minister of the Royal House and of Foreign Affairs, Charles Baron Varnbüler, who have agreed to and signed the following articles: Negotiators.

ARTICLE I.

Citizens of Württemberg, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by Württemberg to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America who have become or shall become naturalized citizens of Württemberg, and shall have resided uninterruptedly within Württemberg five years, shall be held by the United States to be citizens of Württemberg, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

When citizens of Württemberg are to be treated as American citizens.

When Americans are to be treated as citizens of Württemberg.

Declaration of intention not to effect naturalization.

ARTICLE II.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

Naturalized citizens liable for offences committed before emigration.

ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between Württemberg and the United States the $\frac{16 \text{ June, } 1852.}{13 \text{ October, } 1853,}$ remains in force without change.

Extradition. Convention of 1853 to remain in force.

ARTICLE IV.

If a Württemberger, naturalized in America, renews his residence in Württemberg without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in Württemberg renews his residence in the United States without the intent to return to Württemberg, he shall be held to have renounced his naturalization in Württemberg. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

Renunciation of citizenship.

When intent not to return may be held to exist.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six

Duration of convention.

months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by His Majesty the King of Württemberg, with the consent of the Chambers of the Kingdom, and by the President by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Stuttgart as soon as possible, within twelve months from the date hereof.

Ratifications.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Stuttgart, the 27 of July, 1868.

[SEAL.] GEO. BANCROFT.
[SEAL.] FREIHERR VON VARNBÜLER.

PROTOCOL EXPLANATORY OF THE CONVENTION.

Done at Stuttgart the 27th July, 1868.

The undersigned met to-day to sign the treaty agreed upon, in conformity with their respective full powers, relating to the citizenship of those persons, who emigrate from the United States of America to Wurtemberg and from Wurtemberg to the United States of America; on which occasion the following observations, more exactly defining and explaining the contents of this treaty were entered in the following protocol.

I.—*Relating to the first article of the Treaty.*

(1) It is of course understood that not the naturalization alone, but a five years uninterrupted residence is also required, before a person can be regarded as coming within the treaty; but it is by no means requisite, that the five years residence should take place after the naturalization.

Yet it is hereby agreed, that if citizens of the one state become legally naturalized in the other state before they have resided there five years; the persons so naturalized from the moment of their naturalization, have to exercise all civil rights and are liable to all civil duties in the state into which they have been adopted.

(2) The words; "resided uninterruptedly" are obviously to be understood, not of a continual bodily presence, but in the legal sense; and therefore a transient absence, a journey or the like, by no means interrupts the period of five years contemplated by the first article.

II.—*Relating to the second article of the treaty.*

On the side of Wurtemberg, it is agreed that all former Wurtembergers, who under the first article of this treaty are to be held as American citizens may, whether they have emigrated before or after the age of liability to military service, return to their original country, free from military duties and penalties and with a claim to the delivery of the property which may have been sequestered, with the exception of those Wurtemberg emigrants liable to military duty who have taken to flight

(1) After their enrolment in the active army and before their discharge from the same, or

(2) after they (*a*) have been called into service with the class of their age or on occasion of placing the military force on a war footing, or (*b*) have been present at a muster and been designated as a part of the contingent.

III.—*Relating to the fourth article of the treaty.*

It is agreed that the fourth article shall *not* receive the interpretation, that the naturalized citizen of the one state who returns to the other state, his original country,

and there takes up his residence, does by that act alone recover his former citizenship; nor can it be assumed, that the state to which the emigrant originally belonged is bound to restore him at once to his original relation. On the contrary it is only intended to be declared; that the emigrant so returning, is authorized to acquire the citizenship of his former country, in the same manner as other aliens in conformity to the laws and regulations which are there established, yet it is left to his own free choice, whether he will adopt that course, or will preserve the citizenship of the country of his adoption. With regard to this choice, after a two years residence in his original country he is bound if so requested by the proper authorities, to make a distinct declaration, upon which these authorities can come to a decision as the case may be, with regard to his being received again into citizenship or his further residence in the manner prescribed by law.

[SEAL.] GEO. BANCROFT.
[SEAL.] FREIHERR VON VARNBÜLER.

AMELIORATION OF THE CONDITION OF THE WOUNDED IN WAR.

1864.

CONVENTION* FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED IN ARMIES IN THE FIELD BETWEEN SWITZERLAND, BADEN, BELGIUM, DENMARK, SPAIN, FRANCE, HESSE, ITALY, NETHERLANDS, PORTUGAL, PRUSSIA, WÜRTEMBERG, AND ACCEDED TO BY SWEDEN AND NORWAY, GREECE, GREAT BRITAIN, MECKLENBURG-SCHWERIN, TURKEY, BAVARIA, AUSTRIA, RUSSIA, ROUMANIA, PERSIA, SALVADOR, MONTENEGRO, SERVIA, BOLIVIA, CHILI, ARGENTINE REPUBLIC, PERU AND JAPAN.

Concluded August 22, 1864; *ratifications exchanged at Geneva June* 22, 1865; *acceded to by the United States March* 1, 1882; *accession of United States accepted by Switzerland, on behalf of the powers, June* 9, 1882; *proclaimed as to the original convention, but with reserve as to the additional articles, July* 26, 1882.

The Swiss Confederation; His Royal Highness the Grand Duke of Baden; His Majesty the King of the Belgians; His Majesty the King of Denmark; Her Majesty the Queen of Spain; His Majesty the Emperor of the French; His Royal Highness the Grand-Duke of Hesse; His Majesty the King of Italy; His Majesty the King of the Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Prussia; His Majesty the King of Würtemberg, being equally animated with the desire to soften, as much as depends on them, the evils of warfare, to suppress its useless hardships and improve the fate of wounded soldiers on the field of battle, have resolved to conclude a convention to that effect, and have named for their plenipotentiaries, viz:

Negotiators

The Swiss Confederation: Guillaume Henri Dufour, Grand Officer of the Imperial Order of the Legion of Honor, General in Chief of the federal army, Member of the Council of the State; Gustave Moynier, President of the International Relief Committee for wounded soldiers, and of the Geneva Society of Public Utility; and Samuel Lehmann, federal Colonel, Doctor in Chief of the federal army, Member of the National Council;

His Royal Highness the Grand Duke of Baden: Robert Volz, Knight of the Order of the Lion of Zæhringen, M. D., Medical Councillor at the Direction of Medical Affairs; and Adolphe Steiner, Knight of the Order of the Lion of Zæhringen, Chief Staff Physician;

* The President's ratification of the act of accession, as transmitted to Berne and exchanged for the ratifications of the other signatory and adhesory powers, embraces the French text of the convention of August 22, 1864, and the additional articles of October 20, 1868. The French text is, therefore, for all international purposes, the standard one.

His Majesty the King of the Belgians: Auguste Visschers, Officer of the Order of Leopold, Councillor at the Council of Mines;

His Majesty the King of Denmark: Charles Emile Fenger, Commander of the Order of Danebrog, decorated with the silver cross of the same Order, Grand Cross of the Order of Leopold of Belgium, &c., &c., His Councillor of State;

Her Majesty the Queen of Spain: Don José Heriberto García de Quevedo, Gentleman of her Chamber on active service, Knight of the Grand Cross of Isabella the Catholic, Numerary Commander of the Order of Charles III., Knight of the first class of the Royal and Military Order of St. Ferdinand, Officer of the Legion of Honor of France, Her Minister-Resident to the Swiss Confederation;

His Majesty the Emperor of the French: Georges Charles Jagerschmidt, Officer of the Imperial Order of the Legion of Honor, Officer of the Order of Leopold of Belgium, Knight of the Order of the Red Eagle of Prussia of the third class, &c., &c., Sub-Director at the Ministry of Foreign Affairs; Henri Eugène Séguineau de Préval, Knight of the Imperial Order of the Legion of Honor, decorated with the Imperial Order of the Medjidié of fourth class, Knight of the Order of Saints Maurice and Lazarus of Italy, &c., &c., military Sub-Commissioner of first class; and Martin François Boudier, Officer of the Imperial Order of the Legion of Honor, decorated with the Imperial Order of the Medjidié of the fourth class, decorated with the medal of Military Valor of Italy, &c., &c., doctor in chief of second class;

His Royal Highness the Grand Duke of Hesse: Charles Auguste Brodrück, Knight of the Order of Philip the Magnanimous, of the Order of St. Michael of Bavaria, Officer of the Royal Order of the Holy Savior, &c., &c., Chief of Battalion, Staff Officer;

His Majesty the King of Italy: Jean Capello, Knight of the Order of Saints Maurice and Lazarus, his Consul-General to Switzerland, and Felix Baroffio, Knight of the Order of Saints Maurice and Lazarus, Doctor in Chief of medical division;

His Majesty the King of the Netherlands: Bernard Ortuinus Theodore Henri Westenberg, Officer of His Order of the Crown of Oak, Knight of the Orders of Charles III. of Spain, of the Crown of Prussia, of Adolphe of Nassau, L. D., His Secretary of Legation at Frankfort;

His Majesty the King of Portugal and of the Algarves: José Antonio Marques, Knight of the Order of Christ, of Our Lady of the Conception of Villa Viçiosa, of Saint Benedict of Aviz, of Leopold of Belgium, &c., M. D. Surgeon of Brigade, Sub-Chief to the Department of Health at the Ministry of War;

His Majesty the King of Prussia: Charles Albert de Kamptz, Knight of the Order of the Red Eagle of second class, &c., &c., &c., His Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation, Private Councillor of Legation; Godefroi Frédéric François Lœffler, Knight of the Order of the Red Eagle of third class, &c., &c., M. D. Physician in Chief of the fourth Army Corps; and Georges Hermann Jules Ritter, Knight of the Order of the Crown of third class, &c., &c., Private Councillor at the Ministry of War;

His Majesty the King of Würtemberg: Christophe Ulric Hahn, Knight of the Order of Saints Maurice and Lazarus, &c., Doctor of Philosophy and Theology, Member of the Central Royal Direction for Charitable Institutions:

Who, after having exchanged their powers, and found them in good and due form, agree to the following articles:

ARTICLE I. Ambulances and military hospitals shall be acknowl-

Ambulances and military hospitals declared neutral.

edged to be neuter, and, as such, shall be protected and respected by belligerents so long as any sick or wounded may be therein.

Such neutrality shall cease if the ambulances or hospitals should be held by a military force.

ART. II. Persons employed in hospitals and ambulances, comprising the staff for superintendence, medical service, administration, transport of wounded, as well as chaplains, shall participate in the benefit of neutrality, whilst so employed, and so long as there remain any wounded to bring in or to succor.

Persons employed in them also neutral.

ART. III. The persons designated in the preceding article may, even after occupation by the enemy, continue to fulfill their duties in the hospital or ambulance which they serve, or may withdraw in order to rejoin the corps to which they belong.

Treatment and privileges of such persons.

Under such circumstances, when these persons shall cease from their functions, they shall be delivered by the occupying army to the outposts of the enemy.

ART. IV. As the equipment of military hospitals remains subject to the laws of war, persons attached to such hospitals cannot, in withdrawing, carry away any articles but such as are their private property.

Cannot carry away equipments.

Under the same circumstances an ambulance shall, on the contrary, retain its equipment.

ART. V. Inhabitants of the country who may bring help to the wounded shall be respected, and shall remain free. The generals of the belligerent Powers shall make it their care to inform the inhabitants of the appeal addressed to their humanity, and of the neutrality which will be the consequence of it.

Inhabitants of the country who aid wounded.

Any wounded man entertained and taken care of in a house shall be considered as a protection thereto. Any inhabitant who shall have entertained wounded men in his house shall be exempted from the quartering of troops, as well as from a part of the contributions of war which may be imposed.

Care of wounded soldiers.

ART. VI. Wounded or sick soldiers shall be entertained and taken care of, to whatever nation they may belong.

Commanders-in-chief shall have the power to deliver immediately to the outposts of the enemy soldiers who have been wounded in an engagement when circumstances permit this to be done, and with the consent of both parties.

Return of wounded soldiers.

Those who are recognized, after their wounds are healed, as incapable of serving, shall be sent back to their country.

The others may also be sent back, on condition of not again bearing arms during the continuance of the war.

Evacuations neutral.

Evacuations, together with the persons under whose directions they take place, shall be protected by an absolute neutrality.

ART. VII. A distinctive and uniform flag shall be adopted for hospitals, ambulances and evacuations. It must, on every occasion, be accompanied by the national flag. An arm-badge (brassard) shall also be allowed for individuals neutralized, but the delivery thereof shall be left to military authority.

Flag for hospitals and ambulances.

The flag and the arm-badge shall bear a red cross on a white ground.

ART. VIII. The details of execution of the present convention shall be regulated by the commanders-in-chief of belligerent armies, according to the instructions of their respective governments, and in conformity with the general principles laid down in this convention.

Execution of convention.

ART. IX. The high contracting Powers have agreed to communicate the present convention to those Governments which have not found it convenient to send plenipotentiaries to the International Conference at Geneva, with an invitation to accede thereto; the protocol is for that purpose left open. Convention to be communicated to other nations.

ART. X. The present convention shall be ratified, and the ratifications shall be exchanged at Berne, in four months, or sooner, if possible. Ratifications.

In faith whereof the respective Plenipotentiaries have signed it and have affixed their seals thereto.

Done at Geneva, the twenty-second day of the month of August of the year one thousand eight hundred and sixty-four.

[SEAL.]	General G. H. DUFOUR.
[SEAL.]	G. MOYNIER.
[SEAL.]	Dr. LEHMANN.
[SEAL.]	Dr. ROBERT VOLZ.
[SEAL.]	STEINER.
[SEAL.]	VISSCHERS.
[SEAL.]	FENGER.
[SEAL.]	J. HERIBERTO GARCÍA DE QUEVEDO.
[SEAL.]	CH. JAGERSCHMIDT.
[SEAL.]	S. DE PRÉVAL.
[SEAL.]	BOUDIER.
[SEAL.]	BRODRÜCK.
[SEAL.]	CAPELLO.
[SEAL.]	F. BAROFFIO.
[SEAL.]	WESTENBERG.
[SEAL.]	JOSÉ ANTONIO MARQUES.
[SEAL.]	DE KAMPTZ.
[SEAL.]	LŒFFLER.
[SEAL.]	RITTER.
[SEAL.]	Dr. HAHN.

1868.

ADDITIONAL ARTICLES* TO THE CONVENTION OF AUGUST 22, 1864, FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED IN ARMIES IN THE FIELD, EXTENDING TO NAVAL FORCES THE ADVANTAGES OF THAT CONVENTION, CONCLUDED BY NORTH GERMANY, AUSTRIA, BADEN, BAVARIA, BELGIUM, DENMARK, FRANCE, GREAT BRITAIN, ITALY, NETHERLANDS, SWEDEN AND NORWAY, SWITZERLAND, TURKEY, AND WÜRTEMBERG.

Concluded October 20, 1868; acceded to by the United States March 1, 1882; accession of the United States accepted by Switzerland, on behalf of the powers, June 9, 1882; promulgation by the United States deferred until the exchange of ratifications by the contracting States.

The governments of North Germany BAustria, aden, Bavaria, Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Sweden and Norway, Switzerland, Turkey, and Würtemberg, desiring to extend to armies on the sea the advantages of the Convention concluded at Geneva the 22d of August, 1864, for the amelioration of the condition of wounded soldiers in armies in the field, and to further particularize some of the stipulations of the said Convention, have named for their commissioners:

* These "Additional articles" will have the full force and effect of an international treaty when the several contracting powers shall have exchanged their ratifications of the same and when it shall have been proclaimed by the President.

Negotiators.

1. North Germany: Henri de Rœder, Lieutenant-General, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Prussia and of the North Germanic Confederation to the Swiss Confederation, Knight of the Red Eagle, second class, &c., &c.; Frédéric Lœffler, Physician in Chief of the Army, Professor of Military Medicine, Knight of the Order of the Crown, second class, with crossed swords, &c., &c.; and Henry Köhler, Naval Captain, Chief of Division at the Ministry of the Navy, Knight of the Order of the Crown, third class, &c., &c.

2. Austria: Dr. Jaromir, Baron Mundy, Staff Physician of first class, Commander of the Order of His Majesty Emperor Francis Joseph of Austria, King of Hungary.

3. Baden: Adolphe Steiner, Chief Staff Physician, Knight of the first class of the order of the Lion of Zæhringen, with oak-leaf.

4. Bavaria: Theodore Dompierre, Chief Physician of first class, Knight of the order of St. Michael.

5. Belgium: Auguste Visschers, Councillor of the Council of Mines of Belgium, Officer of the Order of Leopold.

6. Denmark: John Barthélemy Gaïfre Galiffe, L. D., Consul of His Majesty the King of Denmark to the Swiss Confederation, Knight of the Order of Danebrog and of the Order of Saints Maurice and Lazarus.

7. France: Auguste Coupvent des Bois, Rear-Admiral, Commander of the imperial order of the Legion of Honor, &c., &c.; and Henri Eugène Séguineau de Préval, military subcommissioner of first class, officer of the imperial order of the Legion of Honor, &c., &c.

8. Great Britain: John Saville Lumley, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the Swiss Confederation; Hastings Reginald Yelverton, Rear-Admiral in the service of Her Britannic Majesty, Companion of the Order of the Bath.

9. Italy: Felix Baroffio, Physician in Chief, Knight of the Order of Saints Maurice and Lazarus, of the Order of the Crown of Italy; Paul Cottrau, Captain of frigate, Knight of the Order of Saints Maurice and Lazarus, decorated with the silver medal of military Valor.

10. The Netherlands: Jonkheer Hermann Adrien van Karnebeek, Vice-Admiral, Aide-de-camp extraordinary to His Majesty the King of the Netherlands, decorated with the civil and military orders and the crosses and medals of 1815, of 1830 of the Netherlands, and of the campaigns of Java, Grand Cross of the military orders of Christ and of Tunis, Grand Officer of the Order of Charles the Third of Spain, Commander of the Orders of St. Anne of Russia, in diamonds, of Leopold of Belgium and of the Falcon of Saxe-Weimar, Knight of the Legion of Honor, decorated with the medal of St. Helena; Bernard Ortuinus Theodore Henri Westenberg, L. D., Councillor, of Legation of His Majesty the King of the Netherlands, Commander of the Oaken Crown, Grand Commander of the Order of St. Michael of Bavaria, Knight of the Orders of Charles III. of Spain, of the Crown of Prussia, of Danebrog, of Denmark, and of Adolphe of Nassau.

11. Sweden and Norway: Ferdinand Nathaniel Staaff, Lieutenant Colonel, military attaché of the Legation of Sweden and Norway in Paris, Knight of the Royal Orders of the Sword of Sweden and of Saint Olaf of Norway, officer of the imperial order of the Legion of Honor, as well of Public Instruction in France, Knight of the imperial order of the Iron Crown of Austria, &c., &c.

12. Switzerland: Guillaume Henri Dufour, ex-general in chief of the federal army, Grand Cross of the Legion of Honor; Gustave Moynier, President of the International Committee for the relief of the wounded, officer of the order of Saints Maurice and Lazarus, Knight of first class of the Order the Lion of Zæhringen, Knight of the Orders of the Polar Star and of Our Lady of the Conception of Villa-Viçosa, &c., &c.; Samuel Lehmann, Federal Colonel, physician in chief of the federal army, member of the National Council.

13. Turkey: Husny Effendi, Major, military attaché of Turkey to Paris, decorated with the imperial order of Medjidié of the fifth class.

14. Würtemberg: Christophe Hahn, Doctor of philosophy and theology, member of the central direction for charitable institutions, President of the committee from Würtemberg for the wounded, Knight of the Order of Frédéric and of Saints Maurice and Lazarus; Edouard Fichte, M. D., physician in chief of the army of Würtemberg and Knight of the Order of the Crown of Prussia, of third class;

Who, having been duly authorized to that effect, agreed, under reserve of approbation from their governments, to the following dispositions:

Withdrawal of persons enjoying neutral privileges from place occupied by an enemy.

ARTICLE I. The persons designated in Article II. of the Convention shall, after the occupation by the enemy, continue to fulfil their duties, according to their wants, to the sick and wounded in the ambulance or the hospital which they serve. When they request to withdraw, the commander of the occupying troops shall fix the time of departure, which he shall only be allowed to delay for a short time in case of military necessity.

ART. II. Arrangements will have to be made by the belligerent powers to ensure to the neutralized person, fallen into the hands of the army of the enemy, the entire enjoyment of his salary. Salaries of neutralized persons.

ART. III. Under the conditions provided for in Articles I. and IV. of the Convention, the name "ambulance" applies to field hospitals and other temporary establishments, which follow the troops on the field of battle to receive the sick and wounded. Definition of "ambulance."

ART. IV. In conformity with the spirit of Article V. of the Convention, and to the reservations contained in the protocol of 1864, it is explained that for the appointment of the charges relative to the quartering of troops, and of the contributions of war, account only shall be taken in an equitable manner of the charitable zeal displayed by the inhabitants. Account to be taken of assistance rendered by inhabitants.

ART. V. In addition to Article VI. of the Convention, it is stipulated that, with the reservation of officers whose detention might be important to the fate of arms and within the limits fixed by the second paragraph of that article, the wounded fallen into the hands of the enemy shall be sent back to their country, after they are cured, or sooner if possible, on condition, nevertheless, of not again bearing arms during the continuance of the war. Wounded who fall into an enemy's hands to be returned to their country.

[*Articles concerning naval forces.*]

ART. VI. The boats which, at their own risk and peril, during and after an engagement pick up the shipwrecked or wounded, or which having picked them up, convey them on board a neutral or hospital ship, shall enjoy, until the accomplishment of their mission, the character of neutrality, so far as the circumstances of the engagement and the position of the ships engaged will permit. Boats picking up wounded to be considered neutral.

The appreciation of these circumstances is entrusted to the humanity of all the combatants. The wrecked and wounded thus picked and saved must not serve again during the continuance of the war.

ART. VII. The religious, medical, and hospital staff of any captured vessel are declared neutral, and, on leaving the ship, may remove the articles and surgical instruments which are their private property. Neutral privileges to certain persons on vessels.

ART. VIII. The staff designated in the preceding article must continue to fulfil their functions in the captured ship, assisting in the removal of the wounded made by the victorious party; they will then be at liberty to return to their country, in conformity with the second paragraph of the first additional article. They must, however, continue their functions on the captured vessel.

The stipulations of the second additional article are applicable to the pay and allowance of the staff.

ART. IX. The military hospital ships remain under martial law in all that concerns their stores; they become the property of the captor, but the latter must not divert them from their special appropriation during the continuance of the war. Military hospital ships.

*[*The vessels not equipped for fighting, which, during peace, the government shall have officially declared to be intended to serve as floating hospital ships, shall, however, enjoy during the war complete neutrality, both as regards stores, and also as regards their staff, provided their equipment is exclusively appropriated to the special service on which they are employed.*]

ART. X. Any merchantman, to whatever nation she may belong, charged exclusively with removal of sick and wounded, is protected by neutrality, but the mere fact, noted on the ship's books, of the vessel having been visited by an enemy's cruiser, renders the sick and wounded incapable of serving during the continuance of the war. The cruiser shall even have the right of putting on board an officer in order to accompany the convoy, and thus verify the good faith of the operation. Merchant vessels.

If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerents.

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*In the published English text, from which this version of the Additional Articles is taken, the paragraph thus marked in brackets appears in continuation of Article IX. It is not, however, found in the original French text adopted by the Geneva conference, October 20, 1868.

By an instruction sent to the United States minister at Berne, January 20, 1883, the right is reserved to omit this paragraph from the English text, and to make any other necessary corrections, if at any time hereafter the Additional Articles shall be completed by the exchange of the ratifications hereof between the several signatory and adhering powers.

Certain rights of belligerents towards neutralized vessels.

The belligerents retain the right to interdict neutralized vessels from all communication, and from any course which they may deem prejudicial to the secrecy of their operations. In urgent cases special conventions may be entered into between commanders-in-chief, in order to neutralize temporarily and in a special manner the vessels intended for the removal of the sick and wounded.

Wounded sailors.

ART. XI. Wounded or sick sailors and soldiers, when embarked, to whatever nation they may belong, shall be protected and taken care of by their captors.

Their return to their own country is subject to the provisions of Article VI. of the Convention, and of the additional Article V.

Distinctive flag of neutrality.

ART. XII. The distinctive flag to be used with the national flag, in order to indicate any vessel or boat which may claim the benefits of neutrality, in virtue of the principles of this Convention, is a white flag with a red cross. The belligerents may exercise in this respect any mode of verification which they may deem necessary.

Military hospital ships shall be distinguished by being painted white outside, with green strake.

Hospital ships belonging to aid societies.

ART. XIII. The hospital ships which are equipped at the expense of the aid societies, recognized by the governments signing this Convention, and which are furnished with a commission emanating from the sovereign, who shall have given express authority for their being fitted out, and with a certificate from the proper naval authority that they have been placed under his control during their fitting out and on their final departure, and that they were then appropriated solely to the purpose of their mission, shall be considered neutral as well as the whole of their staff. They shall be recognized and protected by the belligerents.

Distinctive flag.

They shall make themselves known by hoisting, together with their national flag, the white flag with a red cross. The distinctive mark of their staff, while performing their duties, shall be an armlet of the same colors.

The outer painting of these hospital ships shall be white, with red strake.

These ships shall bear aid and assistance to the wounded and wrecked belligerents, without distinction of nationality.

Must do their duty at their own risk.

They must take care not to interfere in any way with the movements of the combatants. During and after the battle they must do their duty at their own risk and peril.

Control of belligerents over them.

The belligerents shall have the right of controlling and visiting them; they will be at liberty to refuse their assistance, to order them to depart, and to detain them if the exigencies of the case require such a step.

No reclamation of their wounded by either combatants.

The wounded and wrecked picked up by these ships cannot be reclaimed by either of the combatants, and they will be required not to serve during the continuance of the war.

Suspension of this convention under certain circumstances.

ART. XIV. In naval wars any strong presumption that either belligerent takes advantage of the benefits of neutrality, with any other view than the interest of the sick and wounded, gives to the other belligerent, until proof to the contrary, the right of suspending the Convention, as regards such belligerent.

Should this presumption become a certainty, notice may be given to such belligerent that the Convention is suspended with regard to him during the whole continuance of the war.

Disposition of this act.

ART. XV. The present act shall be drawn up in a single original copy, which shall be deposited in the Archives of the Swiss Confederation.

An authentic copy of this Act shall be delivered, with an invitation to adhere to it, to each of the signatory Powers of the Convention of the 22d of August, 1864, as well as to those that have successively acceded to it.

In faith whereof, the undersigned commissaries have drawn up the present project of additional articles and have apposed thereunto the seals of their arms.

[*Done at Geneva, the twentieth day of the month of October, of the year one thousand eight hundred and sixty-eight.*]

VON RŒDER.
F. LŒFFLER.
KÖHLER.
DR. MUNDY.
STEINER.
DR. DOMPIERRE.
VISSCHERS.
J. B. G. GALIFFE.
A. COUPVENT DES BOIS.
H. DE PRÉVAL.
JOHN SAVILLE LUMLEY.
H. R. YELVERTON.
D. FELICE BARROFIO.
PAOLO COTTRAU.
H. A. VAN KARNEBEEK.
WESTENBERG.
F. N. STAAFF.
G. H. DUFOUR.
G. MOYNIER.
DR. S. LEHMANN.
HUSNY.
DR. C. HAHN.
DR. FICHTE.

INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES.

1875.

CONVENTION* FOR THE ESTABLISHMENT OF AN INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES BETWEEN THE UNITED STATES, GERMANY, AUSTRIA-HUNGARY, BELGIUM, BRAZIL, THE ARGENTINE CONFEDERATION, DEMARK, SPAIN, FRANCE, ITALY, PERU, PORTUGAL, RUSSIA, SWEDEN AND NORWAY, SWITZERLAND, TURKEY, AND VENEZUELA.

Concluded May 20, 1875; *ratifications exchanged at Paris August* 2, 1878; *proclaimed September* 27, 1878.

His Excellency the President of the United States of America, His Majesty the Emperor of Germany, His Majesty the Emperor of Austria-Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Argentine Confederation, His Majesty the King of Denmark, His Majesty the King of Spain, His Excellency the President of the French Republic, His Majesty the King of Italy, His Excellency the President of the Republic of Peru, His Majesty the King of Portugal and the Algarves, His Majesty the Emperor of all the Russias, His Majesty the King of Sweden and Norway, His Excellency the President of the Swiss Confederation, His Majesty the Emperor of the Ottomans, and His Excellency the President of the Republic of Venezuela, desiring international uniformity and precision in standards of weight and measure, have resolved to conclude a convention to this effect, and have named as their plenipotentiaries the following:

Negotiators.

His Excellency the President of the United States of America: Mr. Elihu Benjamin Washburne, Envoy Extraordinary and Minister Plenipotentiary of the United States at Paris;

His Majesty the Emperor of Germany: His Highness Prince Hohenlohe Schillingsfürst, Grand Cross of the Order of the Red Eagle of Prussia, and of the Order of St. Hubert of Bavaria, &c., &c., &c., his Ambassador Extraordinary and Plenipotentiary at Paris;

His Majesty the Emperor of Austria-Hungary: His Excellency Count Apponyi, his Actual Chamberlain and Privy Counselor, Knight of the Golden Fleece, Grand Cross of the Royal Order of St. Stephen of Hungary, and of the Imperial Order of Leopold, &c., &c., &c., his Ambassador Extraordinary and Plenipotentiary at Paris;

His Majesty the King of the Belgians: Baron Beyens, Grand Officer of his Order of Leopold, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the Emperor of Brazil: Mr. Marcus Antonio d'Araujo, Viscount d'Itajuba, Grandee of the Empire, member of His Majesty's

* Translation. The convention as signed was in the French language only.

Council, Commander of his Order of Christ, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Excellency the President of the Argentine Confederation: Mr. Balcarce, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Confederation at Paris;

His Majesty the King of Denmark: Count de Moltke-Hvitfeldt, Grand Cross of the Order of Dannebrog, and decorated with the Cross of Honor of the same order, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Spain: His Excellency Don Mariano Roca de Togores, Marquis de Molins, Viscount de Rocamora, Grandee of Spain of the First Class, Knight of the Renowned Order of the Golden Fleece, Grand Cross of the Legion of Honor, &c., &c., &c., Director of the Royal Spanish Academy, his Ambassador Extraordinary and Plenipotentiary at Paris; and General Ibañez, Grand Cross of the Order of Isabella the Catholic, &c., &c., Director General of the Geographical and Statistical Institute of Spain, Member of the Academy of Sciences;

His Excellency the President of the French Republic: The Duke Decazes, deputy to the National Assembly, Commander of the Order of the Legion of Honor, &c., &c., &c., Minister of Foreign Affairs; the Viscount de Meaux, deputy to the National Assembly, Minister of Agriculture and of Commerce; and Mr. Dumas, Perpetual Secretary to the Academy of Sciences, Grand Cross of the Order of the Legion of Honor;

His Majesty the King of Italy: The Chevalier Constantino Nigra, Knight of the Grand Cross of his Orders of St. Maurice and St. Lazarus, and of the Crown of Italy, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Excellency the President of the republic of Peru: Mr. Pedro Galvez, Envoy Extraordinary and Minister Plenipotentiary of Peru at Paris; and Mr. Francisco de Rivero, formerly Envoy Extraordinary and Minister Plenipotentiary of Peru;

His Majesty the King of Portugal and of the Algarves: Mr. José da Silva Mendes Leal, Peer of the Realm, Grand Cross of the Order of Saint James, Knight of the Order of the Tower and Sword of Portugal, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the Emperor of all the Russias: Mr. Gregory Okouneff, Knight of the Russian Orders of St. Anne of the first class, of St. Stanislaus of the first class, of St. Vladimir of the third, Commander of the Legion of Honor, Actual Counselor of State, Counselor of the Embassy of Russia at Paris;

His Majesty the King of Sweden and Norway: Baron Adelswärd, Grand Cross of the Order of the Polar Star of Sweden, and of St. Olaf of Norway, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Excellency the President of the Swiss Confederation: Mr. Jean Conrad Kern, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at Paris;

His Majesty the Emperor of the Ottomans: Husny Bey, Lieutenant-Colonel of Staff, wearer of a fourth-class decoration of the Imperial Order of Osmania, of a fifth-class decoration of the Order of Medjidie, Officer of the Legion of Honor, &c., &c., &c.;

His Excellency the President of the Republic of Venezuela: Doctor Eliseo Acosta,

Who, after having exhibited their full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE 1.

The high contracting parties engage to establish and maintain, at their common expense, a scientific and permanent international bureau of weights and measures, the location of which shall be at Paris.

International bureau of weights and measures located at Paris.

ARTICLE 2.

The French Government shall take all the necessary measures to facilitate the purchase, or, if expedient, the construction, of a building which shall be especially devoted to this purpose, subject to the conditions stated in the regulations which are subjoined to this convention.

Building for this purpose.

ARTICLE 3.

The operation of the international bureau shall be under the exclusive direction and supervision of an international committee of weights and measures, which latter shall be under the control of a general conference for weights and measures, to be composed of the delegates of all the contracting governments.

Direction of the bureau.

ARTICLE 4.

The general conference for weights and measures shall be presided over by the president for the time being of the Paris Academy of Sciences.

Presiding officer of general conference.

ARTICLE 5.

The organization of the bureau, as well as the formation and the powers of the international committee, and of the general conference for weights and measures, are established by the regulations subjoined to this convention.

Organization of bureau.

ARTICLE 6.

The international bureau of weights and measures shall be charged with the following duties:

Duties of bureau.

1st. All comparisons and verifications of the new prototypes of the meter and kilogram.

2d. The custody of the international prototypes.

3d. The periodical comparison of the national standards with the international prototypes and with their test copies, as well as comparisons of the standard thermometers.

4th. The comparison of the prototypes with the fundamental standards of non-metrical weights and measures used in different countries for scientific purposes.

5th. The scaling and comparison of geodesic measuring-bars.

6th. The comparison of standards and scales of precision, the verification of which may be requested by governments or by scientific societies, or even by constructors or men of science.

ARTICLE 7.

Officers of bureau.

The persons composing the bureau shall be a director, two assistants, and the necessary number of employés. When the comparisons of the new prototypes shall have been finished, and when these prototypes shall have been distributed among the different states, the number of persons composing the bureau shall be reduced so far as may be deemed expedient.

The governments of the high contracting parties will be informed by the international committee of the appointment of the persons composing this bureau.

ARTICLE 8.

International weights and measures to be deposited.

The international prototypes of the meter and of the kilogram, together with the test copies of the same, shall be deposited in the bureau, and access to them shall be allowed to the international committee only.

ARTICLE 9.

Expenses.

The entire expense of the construction and outfit of the international bureau of weights and measures, together with the annual cost of its maintenance and the expenses of the committee, shall be defrayed by contributions from the contracting states, the amount of which shall be computed in proportion to the actual population of each.

ARTICLE 10.

Payment by contracting states.

The amounts representing the contributions of each of the contracting states shall be paid at the beginning of each year, through the ministry of foreign affairs of France, into the *Caisse de dépôts et consignations* at Paris, whence they may be drawn as occasion may require, upon the order of the director of the bureau.

ARTICLE 11.

Fixation of contributions.

Those governments which may take advantage of the privilege, open to every state, of acceding to this convention, shall be required to pay a contribution, the amount of which shall be fixed by the committee on the basis established in article 9, and which shall be devoted to the improvement of the scientific apparatus of the bureau.

ARTICLE 12.

Modifications of present convention.

The high contracting parties reserve to themselves the power of introducing into the present convention, by common consent, any modifications the propriety of which may have been shown by experience.

ARTICLE 13.

Abrogation of convention by any one to the parties thereto.

At the expiration of twelve years this convention may be abrogated by any one of the high contracting parties, so far as it is concerned.

Any government which may avail itself of the right of terminating this convention, so far as it is concerned, shall be required to give no-

tice of its intentions one year in advance, and by so doing shall renounce all rights of joint ownership in the international prototypes and in the bureau.

ARTICLE 14.

This Convention shall be ratified according to the constitutional laws of each state, and the ratifications shall be exchanged in Paris within six months, or sooner, if possible. Ratifications.

It shall take effect on the first day of January, 1876.

In testimony whereof the respective plenipotentiaries have attached their signatures and have hereunto affixed their seals of arms.

Done at Paris, May 20, 1875.

[SEAL.]	E. B. WASHBURNE.
[SEAL.]	HOHENLOHE.
[SEAL.]	APPONYI.
[SEAL.]	BEYENS.
[SEAL.]	VISCOUNT D'ITAJUBA.
[SEAL.]	M. BALCARCE.
[SEAL.]	MOLTKE-HVITFELDT.
[SEAL.]	MARQUIS DE MOLINS.
[SEAL.]	CÁRLOS IBAÑEZ.
[SEAL.]	DECAZES.
[SEAL.]	C. DE MEAUX.
[SEAL.]	N. DUMAS.
[SEAL.]	NIGRA.
[SEAL.]	P. GALVEZ.
[SEAL.]	FRAN'CO DE RIVERO.
[SEAL.]	JOSÉ DE SILVA MENDES LEAL.
[SEAL.]	OKOUNEFF.
	For M. le BARON ADELSWÄRD (prevented).
[SEAL.]	H. ÅKERMAN.
[SEAL.]	KERN.
[SEAL.]	HUSNY.
[SEAL.]	E. ACOSTA.

APPENDIX No. 1.—REGULATIONS.

ARTICLE 1.

The international bureau of weights and measures shall be established in a special building, possessing all the necessary safe-guards of stillness and stability. Building for bureau.

It shall comprise, in addition to the vault, which shall be devoted to the safe-keeping of the prototypes, rooms for mounting the comparators and balances; a laboratory, a library, a room for the archives, work-rooms for the employés, and lodgings for the watchmen and attendants.

ARTICLE 2.

It shall be the duty of the international committee to acquire and fit up the aforesaid building and to set in operation the work for which it was designed. Acquisition and fitting of the building.

In case of the committee's inability to obtain a suitable building, one shall be built under its directions and in accordance with its plans.

ARTICLE 3.

Recognition of bureau by French Government.

The French Government shall, at the request of the international committee, take the necessary measures to cause the bureau to be recognized as an establishment of public utility.

ARTICLE 4.

Instruments.

The international committee shall cause the necessary instruments to be constructed, such as comparators for the standards of line and end measures, apparatus for the determination of absolute dilatations, balances for weighing in air and in vacuo, comparators for geodetic measuring-bars, &c.

ARTICLE 5.

Expense limited to 400,000 francs.

The entire expense incurred in the purchase or construction of the building, and in the purchase and placing of the instruments and apparatus, shall not exceed 400,000 francs.

ARTICLE 6.

Estimated expenditures.

The estimate of annual expenditures is as follows:

(A) For the first period—during the construction and comparison of the new prototypes—

(*a*) Salary of the director	15,000 fr.
" of two adjuncts, at 6,000 fr. each	12,000
" of four assistants, at 3,000 fr. each	12,000
Pay of door-keeper, (mechanic)	3,000
Wages of two-office boys, at 1,500 fr. each	3,000
Total for salaries	45,000
(*b*) Compensation to men of science and artists who, by direction of the committee, may be employed to perform special duties, keeping of the building in proper order, purchase and repair of apparatus, fuel, light, and office-expenses	24,000
(*c*) Compensation of the secretary of the international committee of weights and measures	6,000
Total	75,000

The annual budget of the bureau may be modified by the international committee as necessity may require at the suggestion of the director, but it shall in no case exceed the sum of 100,000 francs.

The contracting governments shall be notified of any modifications that the committee may think proper to make within these limits, in the annual budget fixed by the present regulations.

The committee may authorize the director, at his request, to make transfers from one subdivision of the allotted budget to another.

(B) For the period subsequent to the distribution of the prototypes:

(*a*) Salary of the director	15,000 fr.
" one adjunct	6,000
Pay of a door-keeper, (mechanic)	3,000
Wages of an office-boy	1,500
	25,500
(*b*) Office-expenses	18,500
(*c*) Compensation of secretary, international committee	6,000
Total	50,000

ARTICLE 7.

The general conference mentioned in article 3 of this convention shall be at Paris, upon the summons of the international committee, at least once every six years. General conference.

It shall be its duty to discuss and initiate measures necessary for the dissemination and improvement of the metrical system, and to pass upon such new fundamental metrological determinations as may have been made during the time when it was not in session. It shall receive the report of the international committee concerning the work that has been accomplished, and shall replace one-half of the international committee by secret ballot.

The voting in the general conference shall be by states; each state shall be entitled to one vote.

Each of the members of the international committee shall be entitled to a seat at the meetings of the conference. They may at the same time be delegates of their governments.

ARTICLE 8.

The international committee mentioned in article 3 of the convention shall be composed of fourteen members, who shall belong to different states. Composition of international committee.

It shall consist, at first, of the twelve members of the former permanent committee of the international commission of 1872, and of the two delegates who, at the time of the appointment of that permanent committee, received the largest number of votes next to the members who were elected.

At the time of the renewal of one-half of the international committee, the retiring members shall be, first, those who, in cases of vacancy, may have been elected provisionally during the interval occurring between two sessions of the conference. The others shall be designated by lot.

The retiring members shall be re-eligible.

ARTICLE 9.

The international committee shall direct the work connected with the verification of the new prototypes, and, in general, all the metrological labors, as the high contracting parties may decide to have performed at the common expense. It shall, moreover, exercise supervision over the safe-keeping of the international prototypes. Duties of international committee.

ARTICLE 10.

The international committee shall choose its chairman and secretary by secret ballot. The governments of the high contracting parties shall be notified of the result of such elections. Election of officers of international committee.

The chairman and secretary of the committee, and the director of the bureau, must belong to different countries.

After having been formed, the committee shall hold no new elections and make no new appointments until three months after notice thereof shall have been given to all the members by the bureau of the committee.

ARTICLE 11.

Meetings of committee.

Until the new prototypes shall have been finished and distributed, the committee shall meet at least once a year. After that time its meetings shall be held at least biennially.

ARTICLE 12.

Voting in committee.

Questions upon which a vote is taken in the committee shall be decided by a majority of the votes cast. In case of a tie, the vote of the chairman shall decide. No resolution shall be considered to have been duly adopted unless the number of members present be at least equal to a majority of the members composing the committee.

This condition being fulfilled, absent members shall have the right to authorize members who are present to vote for them, and the members thus authorized shall furnish proper evidence of their authorization. The same shall be the case in elections by secret ballot.

ARTICLE 13.

Discussion of questions between sessions of the committee by correspondence.

During the interval occurring between two sessions, the committee shall have the right to discuss questions by correspondence.

In such cases, in order that its resolutions may be considered to have been adopted in due form, it shall be necessary for all the members of the committee to have been called upon to express their opinions.

ARTICLE 14.

Vacancies in committee.

The international committee for weights and measures shall provisionally fill such vacancies as may occur in it; these elections shall take place by correspondence, each of the members being called upon to take part therein.

ARTICLE 15.

Regulations for conducting bureau.

The international committee shall prepare detailed regulations for the organization and the labors of the bureau, and shall fix the amounts to be paid for the performance of the extraordinary duties provided for in article 6 of this convention.

Such amounts shall be applied to the improvement of the scientific apparatus of the bureau.

ARTICLE 16.

Communications to Governments from committee to be through diplomatic representatives at Paris.

All communications from the international committee to the governments of the high contracting parties shall take place through the diplomatic representatives of such countries at Paris.

For all matters requiring the attention of the French authorities, the committees shall have recourse to the ministry of foreign affairs of France.

ARTICLE 17.

The director of the bureau and the adjuncts shall be chosen by the international committee by secret ballot. Director of bureau.

The employés shall be appointed by the director.

The director shall have a right to take part in the deliberations of the committee.

ARTICLE 18.

The director of the bureau shall have access to the place of deposit of the international prototypes of the meter and the kilogram only in pursuance of a resolution of the committee and in the presence of two of its members. Deposits of standards of weights and measures.

The place of deposit of the prototypes shall be opened only by means of three keys, one of which shall be in possession of the director of the archives of France, the second in that of the chairman of the committee, and the third in that of the director of the bureau.

The standards of the class of national prototypes alone shall be used for the ordinary comparing work of the bureau.

ARTICLE 19.

The director of the bureau shall annually furnish to the committee: 1st. A financial report concerning the accounts of the preceding year, which shall be examined, and, if found correct, a certificate to that effect shall be given him; 2d. A report on the condition of the apparatus; 3d. A general report concerning the work accomplished during the course of the year just closed. Duties of director.

The international committee shall make to each of the governments of the high contracting parties an annual report concerning all its scientific, technical, and administrative operations, and concerning those of the bureau. The chairman of the committee shall make a report to the general conference concerning the work that has been accomplished since its last session. Annual report of committee.

The reports and publications of the committee shall be in the French language. They shall be printed and furnished to the governments of the high contracting parties.

ARTICLE 20.

The contributions referred to in article 9 of the convention shall be paid according to the following scale: Scale of contributions by different countries.

The number representing the population, expressed in millions, shall be multiplied by the coefficient three for states in which the use of the metrical system is obligatory;

by the coefficient two for those in which it is optional;

by the coefficient one for other states.

The sum of the products thus obtained will furnish the number of units by which the total expense is to be divided. The quotient will give the amount of the unit of expense.

ARTICLE 21.

The expense of constructing the international prototypes, and the standards and test copies which are to accompany them, shall be defrayed by the high contracting parties in accordance with the scale fixed in the foregoing article. Expenses of constructing paraphernalia.

The amounts to be paid for the comparison and verification of standards required by states not represented at this convention shall be regulated by the committee in conformity with the rates fixed in virtue of article 15 of the regulations.

ARTICLE 22.

These regulations to have a like force with the convention.

These regulations shall have the same force and value as the convention to which they are annexed.

(Signed)

E. B. WASHBURNE.
HOHENLOHE.
APPONYI.
BEYENS.
VISCOUNT D'ITAJUBA.
M. BALCARCE.
MOLTKE-HVITFELDT.
MARQUIS DE MOLINS.
CÁRLOS IBAÑEZ.
DECAZES.
C. DE MEAUX.
DUMAS.
NIGRA.
P. GALVEZ.
FRAN'CO DE RIVERO.
JOSÉ DA SILVA MENDES LEAL.
OKOUNEFF.
For M. le BARON ADELSWÄRD, (prevented),
H. ÅKERMAN.
KERN.
HUSNY.
E. ACOSTA.

APPENDIX No. 2.—TRANSIENT PROVISIONS.

ARTICLE 1.

Delivery to states of international prototypes.

All states which were represented at the international meter commission which met at Paris, in 1872, whether they are contracting parties to the present convention or not, shall receive the prototypes that they may have ordered, which shall be delivered to them in the condition guaranteed by the said international commission.

ARTICLE 2.

Sanction and distribution of prototypes to occur at first meeting of the conference.

The principal object of the first meeting of the general conference of weights and measures shall be to sanction these new prototypes, and to distribute them among the states which shall have expressed a desire to receive them.

In consequence, the delegates of all the governments which were represented in the international commission of 1872, as likewise the members of the French section, shall, of right, form part of this first meeting for the sanction of the prototypes.

ARTICLE 3.

It shall be the duty of the international committee mentioned in Article 3 of the convention, and composed as provided in Article 8 of the regulations, to receive and compare the new prototypes one with the other, in accordance with the scientific decisions of the international commission of 1872, and of its permanent committee. Such modifications may, however, be made as may in future be suggested by experience.

Comparison of new prototypes.

ARTICLE 4.

The French section of the international commission of 1872 shall continue to have charge of the labors intrusted to it in the construction of the new prototypes, with the co-operation of the international committee.

Construction of the same.

ARTICLE 5.

The cost of manufacturing the metrical standards prepared by the French section shall be reimbursed by the governments interested, according to the cost-price per unit which shall be fixed by the said section.

Cost of manufacturing the metrical standards.

ARTICLE 6.

The immediate formation of the international committee is authorized, and that body, when formed, is hereby empowered to make all necessary preparatory examinations for the carrying into effect of the convention, without, however, incurring any expense before the exchange of the ratifications of the said convention.

Formation of international committee authorized.

E. B. WASHBURNE.
HOHENLOHE.
APPONYI.
BEYENS.
VISCOUNT D'ITAJUBA.
M. BALCARCE.
MOLTKE-HVITFELDT.
MARQUIS DE MOLINS.
CÁRLOS IBAÑEZ.
DECAZES.
C. DE MEAUX.
DUMAS.
NIGRA.
P. GALVEZ.
FRAN'CO DE RIVERO.
JOSÉ DA SILVA MENDES LEAL.
OKOUNEFF.
For M. le BARON ADELSWÄRD (prevented),
H. ÅKERMAN.
KERN.
HUSNY.
E. ACOSTA.

PROTECTION OF INDUSTRIAL PROPERTY.

1883.

CONVENTION* AND FINAL PROTOCOL FOR THE PROTECTION OF INDUSTRIAL PROPERTY BETWEEN BELGIUM, BRAZIL, FRANCE, GUATEMALA, ITALY, NETHERLANDS, PORTUGAL, SALVADOR, SERBIA, SPAIN, SWITZERLAND, AND ACCEDED TO BY DOMINICAN REPUBLIC, GREAT BRITAIN, SWEDEN AND NORWAY, THE UNITED STATES, AND TUNIS.†

Concluded at Paris March 20, 1883; *ratifications exchanged by Signatory Powers at Paris, June* 6, 1884; *Accession of the United States to the Union announced by the Minister Resident and Consul-General of the United States at Berne to the Federal Council of Switzerland, May* 30, 1887; *proclaimed, June* 11, 1887.

His Majesty the King of the Belgians; His Majesty the Emperor of Brazil; His Majesty the King of Spain; The President of the French Republic; The President of the Republic of Guatemala; His Majesty the King of Italy; His Majesty the King of the Netherlands; His Majesty the King of Portugal and the Algarves; the President of the Republic of Salvador; His Majesty the King of Servia; the Federal Council of the Swiss Confederation;

Equally animated by the desire to assure, by common accord, a complete and efficacious protection to the industry and commerce of the subjects of their respective states and to contribute to the safeguard of the rights of inventors, and to the loyalty of commercial transactions, have resolved to conclude a Convention to that effect, and have named as their Plenipotentiaries the following:

Negotiators.

His Majesty the King of the Belgians: Baron Beyens, Grand Officer o His Royal Order of Léopold, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the Emperor of Brazil: M. Jules Constant, Count de Villeneuve, Member of the Council of His Majesty, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the

* Translation. The convention as signed was in the French language only.

† The Republic of Salvador has announced its intention of withdrawing from the Union on and after August 17, 1887.

The several States hereinafter named have declared that their accession to the International Union for the protection of Industrial Property includes that of their Colonies and Possessions hereinafter enumerated, namely:

France: Martinique, Guadeloupe and dependencies, Reunion and dependency, (Saint Mary of Madagascar) Cochin-China, St. Pierre, Miquelon, Guiana, Senegal and dependencies (Rivières du Sud, Grand Bassam, Assinie, Porto Novo and Kotonou), the Congo and of the Gaboon, Mayotte, Nossi-Bé, the French Establishments in India (Pondicherry, Chandernagore, Karikal, Mahé, Yanaon), New Caledonia, the French Establishments in Oceanica (Tahiti and dependencies), Obock and Diégo-Suarez;

Portugal: The Azores and Madeira;

Spain: Cuba, Porto Rico and the Phillippines.

Belgians, Commander of the Order of Christ, Officer of His Order of the Rose, Knight of the Legion of Honor, etc.;

His Majesty the King of Spain: His Excellency the Duke de Fernan-Nuñez, de Montellano, and Del Arco, Count de Cervellon, Marquis of Almonacir, Grandee of Spain of the 1st Class, Knight of the distinguished Order of the Golden Fleece, Grand Cross of the Order of Charles III., Knight of Calatrava, Grand Cross of the Legion of Honor, etc., Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Paris;

The President of the French Republic: Mr. Paul Challemel-Lacour, Senator, Minister of Foreign Affairs; Mr. Hérisson, Deputy, Minister of Commerce; Mr. Charles Jagerschmidt, Minister Plenipotentiary of 1st Class, Officer of the National Order of the Legion of Honor;

The President of the Republic of Guatemala: Mr. Crisanto Medina, Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Italy: Mr. Constantin Ressman, Commander of His Orders of St. Maurice and St. Lazarus, and of the Crown of Italy, Commander of the Legion of Honor, etc., Counsellor of the Embassy of Italy at Paris;

His Mjacsty the King of the Netherlands: Baron de Zuylen de Nyevelt, Commander of His Order of the Lion of the Netherlands, Grand Cross of His Grand Ducal Order of the Oaken Crown and of the Golden Lion of Nassau, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Portugal and the Algarves: Mr. José da Silva Mendes Leal, Counsellor of State, Peer of the Kingdom, Minister and Honorary Secretary of State, Grand Cross of the Order of St. James, Knight of the Order of the Tower and of the Sword of Portugal, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. Fernand de Azevedo, Officer of the Legion of Honor, etc., First Secretary of the Legation of Portugal at Paris;

The President of the Republic of Salvador: Mr. Torres Caïcedo, Corresponding Member of the Institute of France, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Servia: Mr. Sima M. Marinovitch, Chargé d'Affaires ad interim of Servia, Knight of the Royal Order of Takovo, etc.;

And the *Federal Council of the Swiss Confederation:* Mr. Charles Edward Lardy, its Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. J. Weibel, Engineer at Geneva, President of the Swiss Section of the permanent Commission for the protection of Industrial Property.

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

Union for the protection of industrial property constituted.

The Governments of Belgium, of Brazil, of Spain, of France, of Guatemala, of Italy, of the Netherlands, of Portugal, of Salvador, of Servia and of Switzerland, have constituted themselves into a state of Union for the protection of Industrial Property.

ARTICLE II.

Subjects of all the States to have the same protection as those of any State.

The subjects or citizens of each of the contracting States shall enjoy, in all the other States of the Union, so far as concerns patents for inventions, trade or commercial marks, and the commercial name, the advantages that the respective laws thereof at present accord, or shall afterwards accord to subjects or citizens. In consequence they shall have the same protection as these latter, and the same legal recourse against all infringements of their rights, under reserve of complying with the formalities and conditions imposed upon subjects or citizens by the domestic legislation of each State.

ARTICLE III.

Subjects of States not forming part of the Union but residing in Union States to be protected

Are assimilated to the subjects or citizens of the contracting States, the subjects or citizens of States, not forming part of the Union, who are domiciled or have industrial or commercial establishments upon the territory of one of the States of the Union.

ARTICLE IV.

Application in one State shall enjoy for the purpose of making deposit in other States a right of priority.

Any one who shall have regularly deposited an application for a patent of invention, of an industrial model, or design, of a trade or commercial mark, in one of the contracting States, shall enjoy for the purpose of making the deposit in the other States, and under reserve of the rights of third parties, a right of priority during the periods hereinafter determined.

In consequence, the deposit subsequently made in one of the other States of the Union, before the expiration of these periods can not be invalidated by acts performed in the interval, especially by another deposit, by the publication of the invention or its working by a third party, by the sale of copies of the design or model, by the employment of the mark.

Periods of priority.

The periods of priority above-mentioned shall be six months for patents of invention and three months for designs or industrial models, as well as for trade or commercial marks. They shall be augmented by one month for countries beyond the seas.

ARTICLE V.

Introduction into a State of articles manufactured in another not to entail forfeiture.

The introduction by the patentee into countries where the patent has been granted, of articles manufactured in any other of the States of the Union, shall not entail forfeiture.

Patentee to work patent conformably to the laws of the country into which patented article is introduced.

The patentee, however, shall be subject to the obligation of working his patent conformably to the laws of the country into which he has introduced the patented articles.

ARTICLE VI.

Trade marks deposited in country of origin to be protected in all countries of the Union.

Every trade or commercial mark regularly deposited in the country of origin shall be admitted to deposit and so protected in all the other countries of the Union.

Shall be considered as country of origin, the country where the depositor has his principal establishment.

If this principal establishment is not situated in one of the countries of the Union, shall be considered as country of origin that to which the depositor belongs. Country of origin.

The deposit may be refused, if the object, for which it is asked, is considered contrary to morals and to public order. If contrary to morals deposit may be refused.

ARTICLE VII.

The nature of the production upon which the trade or commercial mark is to be affixed can not in any case be an obstacle to the deposit of the mark. Nature of the production not to be an obstacle to the deposit of the mark.

ARTICLE VIII.

The commercial name shall be protected in all the countries of the Union without obligation of deposit, whether it forms part or not, of a trade or commercial mark. Commercial names to be protected.

ARTICLE IX.

Every production bearing, unlawfully, a trade or commercial mark, or a commercial name, may be seized upon importation into those of the States of the Union in which such mark or such commercial name has a right to legal protection. Articles bearing unlawfully, trade marks or commercial names may be seized.

The seizure shall take place either at the instance of the public prosecutor or of the interested party, conformably to the domestic legislation of each State.

ARTICLE X.

The provisions of the preceding article shall be applicable to every production bearing falsely as indication of origin, the name of a stated locality when this indication shall be joined to a fictitious commercial name or a name borrowed with fraudulent intention. Articles bearing false indication of origin.

Is reputed interested party every manufacturer or trader engaged in the manufacture or sale of this production, when established in the locality falsely indicated as the place of export.

ARTICLE XI.

The High Contracting parties engage between themselves to accord a temporary protection to patentable inventions, to industrial designs or models as well as to trade or commercial marks for the productions, which may figure at official or officially recognized International Exhibitions. Protection given to exhibits at International exhibitions.

ARTICLE XII.

Each one of the High Contracting parties engages to establish a special service of Industrial Property and a Central Depôt, for giving information to the public, concernings patents of invention, industrial designs or models and trade or commercial marks. Central Depot of information to be established.

ARTICLE XIII.

An International Office shall be organized under the title of "International Bureau of the Union for the Protection of Industrial Property." International bureau to be established.

This Bureau, the cost of which shall be supported by the Governments of all the contracting States, shall be placed under the high authority of the Superior Administration of the Swiss Confederation, and shall work under its supervision. Its powers shall be determined by common accord between the States of the Union.

ARTICLE XIV.

Periodical revisions to be made.

The present convention shall be submitted to periodical revisions for the purpose of introducing improvements calculated to perfect the system of the Union.

With this object, Conferences shall take place successively in one of the contracting States between the delegates of said States.

The next meeting shall take place in 1885 at Rome.

ARTICLE XV.

Special arrangements between States may be made.

It is understood that the High Contracting parties respectively reserve the right to make, separately, between themselves, special arrangements for the protection of industrial property so far as these arrangements shall not interfere with the provisions of the present convention.

ARTICLE XVI.

Accession to the convention may be made by other States.

The States that have not taken part in the present convention shall be admitted to adhere to the same upon their application.

This adhesion shall be notified through the diplomatic channel to the Government of the Swiss Confederation and by the latter to all the others.

It shall convey, of full right, accession to all the clauses and admission to all the advantages stipulated by the present convention.

ARTICLE XVII.

States to pass necessary laws without delay.

The execution of the reciprocal engagements continued in the present convention is subordinated so far as needful, to the accomplishment of the formalities and rules established by the Constitutional laws of such of the High Contracting parties as are bound to ask the application thereof, which they agree to do within the shortest delay possible.

ARTICLE XVIII.

Duration of convention.

The present convention shall be put into execution within a month after exchange of ratifications, and shall remain in force during a period of time not determined, until the expiration of one year from the day upon which the denunciation shall be made.

This denunciation shall be addressed to the Government empowered to receive adhesions. It shall only produce its effect as regards the State making it, the convention remaining executory for the other contracting parties.

ARTICLE XIX.

Ratifications.

The present Convention shall be ratified and the ratifications shall be exchanged at Paris, within the period of one year at the latest.

In witness whereof the respective Plenipotentiaries have signed it and affixed to it their seals.

Done at Paris the 20th of March, 1883.

[SEAL.]	BEYENS.
[SEAL.]	VILLENEUVE.
[SEAL.]	DUC DE FERNAN-NUÑEZ.
[SEAL.]	P. CHALLEMEL-LACOUR.
[SEAL.]	CH. HÉRISSON.
[SEAL.]	CH. JAGERSCHMIDT.
[SEAL.]	CRISANTO MEDINA.
[SEAL.]	RESSMAN.
[SEAL.]	BARON DE ZUYLEN DE NYEVELT.
[SEAL.]	JOSÉ DA SILVA MENDES LEAL.
[SEAL.]	F. D'AZEVEDO.
[SEAL.]	J. M. TORRES-CAÏCEDO.
[SEAL.]	SIMA M. MARINOVITCH.
[SEAL.]	LARDY.
[SEAL.]	J. WEIBEL.

FINAL PROTOCOL.

On proceeding to the signature of the convention, concluded this day between the Governments of Belgium, Brazil, Spain, France, Guatemala, Italy, the Netherlands, Portugal, Salvador, Servia, and Switzerland, for the protection of industrial property, the undersigned plenipotentiaries have agreed on the following:

1. The words *Industrial Property* are to be understood in their widest acceptation, in the sense that they apply not only to the productions of industry property so called, but equally to the productions of agriculture (wines, grains, fruits, cattle, &c.) and to mineral productions used in commerce (mineral waters, &c.). Industrial property defined.

2. Under the name *Patents of Inventions* are included the various classes of industrial patents granted by the laws of the contracting states, such as patents of importation, patents of improvement, &c. Patents of inventions defined.

3. It is understood that the final provision of Article 2 of the convention shall in no respect infringe upon the laws of each of the contracting states, so far as concerns the procedure before the courts and the competence of the said courts. Procedure before the courts.

4. Paragraph 1 of Article 6 is to be understood in the sense that no trade or commercial mark shall be excluded from protection, in one of the states of the Union, by the mere fact that it may not satisfy, in respect to the signs composing it, the conditions of the laws of this state, provided that it does satisfy, in this regard, the laws of the country of origin, and that it has been in this latter country, duly deposited. Saving this exception which concerns only the form of the mark, and under reservation of the provisions of the other articles of the convention, the domestic legislation of each of the states shall receive its due application. Trade or commercial mark not to be excluded from protection in one of the states of the Union when satisfactory to laws of country of origin.

In order to avoid all misinterpretation, it is understood that the use of public armorial bearings and decorations may be considered contrary to public order in the sense of the final paragraph of Article 6. Public armorial bearings and decorations prohibited.

5. The organization of a special service of Industrial Property mentioned in Article 12 shall include, as far as is possible, the publication in each state of an official periodical. Publication of official periodicals.

6. The common expenses of the International Bureau, created by Article 13, shall in no case exceed yearly a sum-total representing a mean of 2,000 francs for each contracting state.

Expenses.

In order to determine the contributory share of each of the states in this sum-total of expenses, the contracting states, and those who may hereafter adhere to the Union, shall be divided into six classes, each contributing in the proportion of a certain number of units, namely:

1*st class*.	25 units
2*d* "	20 "
3*d* "	15 "
4*th* "	10 "
5*th* "	5 "
6*th* "	3 "

These co-efficients shall be multiplied by the number of the states of each class, and the sum of the products thus obtained shall furnish the number of units by which the total expense is to be divided. The quotient will give the amount of the unit of expense.

The contracting states are classified as follows in respect to the division of the expenses:

1*st class*.—France, Italy.
2*d* " .—Spain.
3*d* " .—Belgium, Brazil, Portugal, Switzerland.
4*th* " .—Netherlands.
5*th* " .—Servia.
6*th* " .—Guatemala, Salvador.

The Swiss Government shall supervise the expenditure of the International Bureau, make the necessary advances, and state the annual account, which shall be communicated to all the other Governments.

Expenditures to be supervised by the Swiss Government.

The International Bureau shall collect information of every kind relating to the protection of Industrial Property, and shall compile from it general statistics, which shall be transmitted to all the Governments. It shall occupy itself with examinations of general utility which may be of interest to the Union, and shall publish, with the assistance of the documents put at its disposal by the various Governments, a periodical in the French language on questions which concern the object of the Union.

Information to be collected.

Publication of documents.

The numbers of this periodical and all the documents published by the International Bureau shall be partitioned among the Governments of the states of the Union in the proportion of the number of contributory units above mentioned.

Distribution of documents.

The copies and supplementary documents which may be requested either by the said Governments, or by corporations or private persons, shall be paid for separately.

The International Bureau must always hold itself at the disposal of the members of the Union, in order to furnish them, on questions relating to the international service of Industrial Property, with such special information as they may need.

Special information to be furnished.

The Government of the country where the next Conference is to be held shall prepare, with the assistance of the International Bureau, the work of the said Conference.

Proceedings of conferences.

The director of the International Bureau shall be present at the sessions of the Conferences, and shall take part in the discussions without voting.

Duties of the Director of the International Bureau.

He shall make an annual report on its management, which shall be communicated to all the members of the Union.

The official language of the International Bureau shall be the French language. French the official language.

7 The present final protocol, which shall be ratified at the same time as the Convention concluded this day, shall be considered as forming an integral part of that Convention, and shall have the same force, value, and duration. Protocol to form part of convention.

In faith whereof the undersigned plenipotentiaries have drawn up the present protocol.

Signed: BEYENS.
" VILLENEUVE.
" DUC DE FERNAN-NUÑEZ.
" P. CHALLEMEL-LACOUR.
" CH. HÉRISSON.
" CH. JAGERSCHMIDT.
" CRISANTO MEDINA.
" RESSMAN.
" BARON DE ZUYLEN DE NYEVELT.
" JOSÉ DA SILVA MENDES LEAL.
" F. d'AZEVEDO.
" J. M. TORRES-CAÏCEDO.
" SIMA M. MARINOVITCH.
" LARDY.
" J. WEIBEL.

PROTECTION OF SUBMARINE CABLES.

1884.

CONVENTION* FOR THE PROTECTION OF SUBMARINE CABLES BETWEEN THE UNITED STATES AND ARGENTINE CONFEDERATION, AUSTRIA-HUNGARY, BELGIUM, BRAZIL, UNITED STATES OF COLOMBIA, COSTA RICA, DENMARK, DOMINICAN REPUBLIC, FRANCE, GERMANY, GREAT BRITAIN, GREECE, GUATEMALA, ITALY, NETHERLANDS, PERSIA, PORTUGAL, ROUMANIA, RUSSIA, SALVADOR, SERVIA, SPAIN, SWEDEN AND NORWAY TURKEY, AND URUGUAY, WITH AN ADDITIONAL ARTICLE CONCERNING THE MEANS PROVIDED FOR ADMITTING TO THE PRIVILEGES OF THE CONVENTION THE COLONIES OF GREAT BRITAIN, NAMELY: CANADA, NEWFOUNDLAND, THE CAPE OF GOOD HOPE, NATAL, NEW SOUTH WALES, VICTORIA, QUEENSLAND, TASMANIA, SOUTH AUSTRALIA, WEST AUSTRALIA, AND NEW ZEALAND.

Concluded March 14, 1884; *ratifications by seventeen of the signatory powers exchanged at Paris April* 16, 1885; *proclaimed May* 22, 1885.

His Excellency the President of the United States of America, His Majesty the Emperor of Germany, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark, His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of Colombia, His Excellency the President of the French Republic, Her Majesty the Queen of the United Kingdom of

* Translation. The convention as signed was in the French language only. The ratifications were exchanged at Paris April 16, 1885, by all the signatory powers except the Argentine Confederation, United States of Colombia, Costa Rica, Denmark, Greece, Italy, the Netherlands, Persia, and Roumania, and it was stipulated in the protocol of exchange that those Governments should have the privilege of depositing their ratifications with the French Government up to the 1st of January, 1886. Of this privilege all the Governments that had not exchanged ratifications availed themselves, except the United States of Colombia and Persia.

In order to afford the contracting parties opportunity for the adoption of requisite legislation, the 1st of January, 1887, was finally agreed upon as the date when the convention was to become operative.

A conference of representatives of the ratifying powers met at Paris on May 12, 1886, to consider the situation, and having adopted a protocol submitting to the signatory powers for their approval a *projet* of a declaration explanatory of articles 2 and 4 of the convention, adjourned on the 21st of the same month to meet December 1, 1886, so that the powers that had not adopted legislation to carry the convention into effect might have an opportunity to do so before the next meeting of the Conference, at which it remained necessary to determine the effect of such legislation as might have been adopted and the status of such powers as should have failed to adopt appropriate legislation. Japan acceded to the convention May 12, 1884.

Great Britain and Ireland, Empress of India, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Roumania, His Majesty the Emperor of all the Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and Norway, and His Excellency the President of the Oriental Republic of Uruguay, desiring to secure the maintenance of telegraphic communication by means of submarine cables, have resolved to conclude a convention to that end, and have appointed as their Plenipotentiaries, to wit:

His Excellency the President of the United States of America, Mr. L. P. Morton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Paris, etc., etc., etc., and Mr. Vignaud, Secretary of the Legation of the United States of America at Paris, etc., etc., etc.; Negotiators.

His Majesty the Emperor of Germany, King of Prussia, His Highness Prince Charles Victor von Hohenlohe-Schillingsfürst, Prince of Ratibor and Corvey, Grand Chamberlain of the Crown of Bavaria, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Argentine Confederation, M. Balcarce, Envoy Extraordinary and Minister Plenipotentiary of the Confederation at Paris, etc., etc., etc.;

His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Excellency Count Ladislas Hoyos, Actual Privy Counselor, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the King of the Belgians, Baron Beyens, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.; and Mr. Leopold Orban, Envoy Extraordinary and Minister Plenipotentiary, Director General of Political Affairs at the Department of Foreign Affairs of Belgium, etc., etc., etc.;

His Majesty the Emperor of Brazil, Mr. d'Araujo, Baron d'Itajubá, Chargé d'Affaires of Brazil at Paris, etc., etc., etc.;

His Excellency the President of the Republic of Costa-Rica, Mr. Leon Somzée, Secretary of the Legation of Costa-Rica, at Paris, etc., etc., etc.;

His Majesty the King of Denmark, Count de Moltke-Hvitfeldt, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Excellency the President of the Dominican Republic, Baron de Almeda, Envoy Extraordinary and Minister Plenipotentiary of the Dominican Republic at Paris, etc., etc., etc.;

His Majesty the King of Spain, His Excellency Manuel Silvela de le Vielleuse, permanent Senator, member of the Spanish Academy, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the United States of Colombia, Doctor José G. Triana, Consul-General of the United States of Colombia at Paris, etc., etc., etc.;

His Excellency the President of the French Republic, Mr. Jules Ferry, Deputy, President of the Council, Minister of Foreign Affairs, etc., etc.,

etc.; and Mr. Adolphe Cochery, Deputy, Minister of Posts and Tele graphs, etc., etc., etc.;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the Right Honorable Richard Bikerton Pemell, Viscount Lyons, Peer of the United Kingdom of Great Britain and Ireland, member of Her British Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Republic of Guatemala, Mr. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala at Paris, etc., etc., etc.;

His Majesty the King of the Hellenes, Prince Maurocordatos, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Italy, His Excellency General Count Menabrea, Marquis de Valdora, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the Emperor of the Ottomans, His Excellency Essad Pasha, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg, Baron de Zuylen de Nyevelt, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the Shah of Persia, General Nazare-Aga, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Portugal and the Algarves, Mr. d'Azevedo, Chargé d'Affaires of Portugal at Paris, etc., etc., etc.;

His Majesty the King of Roumania, Mr. Alexander Odobesco, Charge d'Affaires *ad interim* of Roumania at Paris, etc., etc., etc.;

His Majesty the Emperor of all the Russias, His Excellency the Aide-de-Camp General Prince Nicholas Orloff, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the King of Servia, Mr. Marinovitch, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Sweden and Norway, Mr. Sibbern, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Excellency the President of the Oriental Republic of Uruguay, Colonel Diaz, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Uruguay at Paris, etc., etc., etc.;

Who, after having exchanged their full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

Scope of convention.

The present Convention shall be applicable, outside of the territorial waters, to all legally established submarine cables landed in the territories, colonies or possessions of one or more of the High Contracting Parties.

ARTICLE II.

Punishment for breaking or injuring a cable.

The breaking or injury of a submarine cable, done willfully or through culpable negligence, and resulting in the total or partial interruption or embarrassment of telegraphic communication, shall be a punishable offense, but the punishment inflicted shall be no bar to a civil action for damages.

This provision shall not apply to ruptures or injuries when the parties guilty thereof have become so simply with the legitimate object of saving their lives or their vessels, after having taken all necessary precautions to avoid such ruptures of injuries.

ARTICLE III.

Requirements for laying a cable.

The High Contracting Parties agree to insist, as far as possible, when they shall authorize the landing of a submarine cable, upon suitable conditions of safety, both as regards the track of the cable and its dimensions.

ARTICLE IV.

Indemnification for injuries.

The owner of a cable who, by the laying or repairing of that cable, shall cause the breaking or injury of another cable, shall be required to pay the cost of the repairs which such breaking or injury shall have rendered necessary, but such payment shall not bar the enforcement, if there be ground therefor, of article II. of this Convention.

ARTICLE V.

Rules governing vessels engaged in laying cable.

Vessels engaged in laying or repairing submarine cables must observe the rules concerning signals that have been or shall be adopted, by common consent, by the High Contracting Parties, with a view to preventing collisions at sea.

When a vessel engaged in repairing a cable carries the said signals, other vessels that see or are able to see those signals shall withdraw or keep at a distance of at least one nautical mile from such vessel, in order not to interfere with its operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, a period of twenty-four hours at most shall be allowed to fishing vessels that perceive or are able to perceive a telegraph ship carrying the said signals, in order that they may be enabled to obey the notice thus given, and no obstacle shall be placed in the way of their operations during such period.

The operations of telegraph ships shall be finished as speedily as possible.

ARTICLE VI.

Vessels to keep at a distance from buoys.

Vessels that see or are able to see buoys designed to show the position of cables when the latter are being laid, are out of order, or are broken, shall keep at a distance of one quarter of a nautical mile at least from such buoys.

Fishing nets and gear shall be kept at the same distance.

ARTICLE VII.

Owners of vessels losing anchors, nets, or other fishing implements to be indemnified.

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or any other implement used in fishing, in order to avoid injuring a submarine cable, shall be indemnified by the owner of the cable.

In order to be entitled to such indemnity, one must prepare, whenever possible, immediately after the accident, in proof thereof, a statement supported by the testimony of the men belonging to the crew; and the captain of the vessel must, within twenty-four hours after arriving at the first port of temporary entry, make his declaration to the competent authorities. The latter shall give notice thereof to the consular authorities of the nation to which the owner of the cable belongs.

ARTICLE VIII.

What courts to have jurisdiction.

The courts competent to take cognizance of infractions of this co vention shall be those of the country to which the vessel board of which the infraction has been committed belong

It is, moreover, understood that, in cases in which the provision co tained in the foregoing paragraph cannot be carried out, the repressio of violations of this convention shall take place, in each of the contrac ing States, in the case of its subjects or citizens, in accordance with th general rules of penal competence established by the special laws those States, or by international treaties.

ARTICLE IX.

Suits to be instituted by State.

Prosecutions on account of the infractions contemplated in articl II., V. and VI. of this convention, shall be instituted by th State or in its name.

ARTICLE X.

Evidence, how obtained.

Evidence of violations of this convention may be obtained by a methods of securing proof that are allowed by the laws the country of the court before which a case has bee brought.

When the officers commanding the vessels of war or the vessels sp cially commissioned for that purpose, of one of the High Contractin Parties, shall have reason to believe that an infraction of the measur provided for by this Convention has been committed by a vessel oth than a vessel of war, they may require the captain or master to exhib the official documents furnishing evidence of the nationality of the sai vessel. Summary mention of such exhibition shall at once be made o the documents exhibited.

Reports may, moreover, be prepared by the said officers, whatev may be the nationality of the inculpated vessel. These reports shall b drawn up in the form and in the language in use in the country to whic the officer drawing them up belongs; they may be used as evidence i the country in which they shall be invoked, and according to the law of such country. The accused parties and the witnesses shall have th right to add or to cause to be added thereto, in their own language, an explanations that they may deem proper; these declarations shall b duly signed.

ARTICLE XI.

Trial to be speedy.

Proceedings and trial in cases of infractions of the provisions of th Convention shall always take place as summarily as the law and regulations in force will permit.

ARTICLE XII.

Laws for punishment for violation of convention to be passed.

The High Contracting Parties engage to take or to propose to the respective legislative bodies the measures necessary in orde to secure the execution of this Convention, and especiall in order to cause the punishment, either by fine or imprison ment, or both, of such persons as may violate the provisions of article II., V. and VI.

ARTICLE XIII.

Laws to be communicated to contracting States.

The High Contracting Parties shall communicate to each other suc laws as may already have been or as may hereafter be e acted in their respective countries, relative to the subject this Convention.

ARTICLE XIV.

States that have not taken part in this Convention shall be allowed
) adhere thereto, on their requesting to do so. Notice of Other States may adhere.
ich adhesion shall be given, diplomatically, to the Govern-
ent of the French Republic, and by the latter to the other signatory
overnments.

ARTICLE XV.

It is understood that the stipulations of this Convention Liberty of action of belligerents.
nall in no wise affect the liberty of action of belligerents.

ARTICLE XVI.

This Convention shall take effect on such day as shall be agreed upon
y the High Contracting Parties.

It shall remain in force for five years from that day, and, in case none
the High Contracting Parties shall have given notice, Duration of convention.
welve months previously to the expiration of the said period
f five years, of its intention to cause its effects to cease, it shall con-
nue in force for one year, and so on from year to year.

In case one of the Signatory Powers shall give notice of its desire for
ie cessation of the effects of the Convention, such notice shall be effect-
e as regards that Power only.

ARTICLE XVII.

This Convention shall be ratified; its ratifications shall be exchanged
t Paris as speedily as possible, and within one year at the
test. Ratifications.

In testimony whereof, the respective Plenipotentiaries have signed
, and have thereunto affixed their seals.

Done in twenty-six copies, at Paris, this 14th day of March, 1884.

[SEAL.]	L. P. MORTON.	[SEAL.] HENRY VIGNAUD.
[SEAL.]	HOHENLOHE.	
[SEAL.]	M. BALCARCE.	
[SEAL.]	LADISLAS COUNT HOYOS.	
[SEAL.]	BEYENS.	[SEAL.] LEOPOLD ORBAN.
[SEAL.]	BN. D'ITAJUBÁ.	
[SEAL.]	LÉON SOMZÉE.	
[SEAL.]	MOLTKE-HVITFELDT.	
[SEAL.]	EMANUEL DE ALMEDA.	
[SEAL.]	MANUEL SILVELA.	
[SEAL.]	JOSÉ G. TRIANA.	
[SEAL.]	JULES FERRY.	[SEAL.] AD. COCHERY.
[SEAL.]	LYONS.	
[SEAL.]	CRISANTO MEDINA.	
[SEAL.]	MAUROCORDATOS.	
[SEAL.]	MENABREA.	
[SEAL.]	ESSAD.	
[SEAL.]	BN. DE ZUYLEN DE NYEVELT.	
[SEAL.]	NAZARE-AGA.	
[SEAL.]	F. D'AZEVEDO.	
[SEAL.]	ODOBESCO.	
[SEAL.]	PRINCE ORLOFF.	
[SEAL.]	J. M. TORRES-CAÏCEDO.	
[SEAL.]	J. MARINOVITCH.	
[SEAL.]	G. SIBBERN.	
[SEAL.]	JUAN J. DIAZ.	

ADDITIONAL ARTICLE.

Convention to be applicable to British colonies, under certain conditions.

The stipulations of the Convention concluded this day for the protection of submarine cables shall be applicable, according to Article I., to the colonies and possessions of Her Britannic Majesty with the exception of those named below, to wit:

Canada.
Newfoundland.
The Cape.
Natal.
New South Wales.
Victoria.
Queensland.
Tasmania.
South Australia.
West Australia.
New Zealand.

Nevertheless, the stipulations of the said Convention shall be applicable to one of the above-named colonies or possessions, if, in their [its?] name, a notification to that effect has been addressed by the representative of Her Britannic Majesty at Paris to the Minister of Foreign Affairs of France.

Each of the above-named Colonies or possessions that shall have adhered to the said Convention, shall have the privilege of withdrawing in the same manner as the contracting powers. In case one of the colonies or possessions in question shall desire to withdraw from the Convention, a notification to that effect shall be addressed by Her Britannic Majesty's representative at Paris to the Minister of Foreign Affairs of France.

Done in twenty-six copies at Paris, this fourteenth day of March, 1884.

L. P. MORTON.
HOHENLOHE.
M. BALCARCE.
LADISLAS COUN HOYOS.
BEYENS.
BN. D'ITAJUBÁ.
LÉON SOMZÉE.
MOLTKE-HVITFELDT.
EMANUEL DE ALMEDA.
MANUEL SILVELA.
JOSÉ G. TRIANA.
JULES FERRY.
LYONS.
CRISANTO MEDINA.
MAUROCORDATOS.
MENABREA.
ESSAD.
BN. DE ZUYLEN DE NYEVELT.
NAZARE-AGA.
F. D'AZEVEDO.
ODOBESCO.
PRINCE ORLOFF.
J. M. TORRES-CAÏCEDO.
J. MARINOVITCH.
G. SIBBERN.
JUAN J. DIAZ.

HENRY VIGNAUD.
LÉOPOLD ORBAN.
AD. COCHERY.

1886.

OTOCOL* PROVIDING FOR THE SUBMISSION TO THE SIGNATORY POWRS FOR THEIR APPROVAL A DRAFT† OF A DECLARATION INTERPRETNG ARTICLES II AND IV OF THE CONVENTION OF MARCH 14, 1884, FOR HE PROTECTION OF SUBMARINE CABLES.

Signed at Paris, May 21, 1886.

The undersigned, representatives of the Argentine Republic, Austria-ngary, Belgium, Brazil, Costa Rica, Denmark, the Dominican Re-blic, Spain, the United States of America, France, Great Britain, eece, Guatemala, Italy, Japan, the Netherlands, Portugal, Roumania, ssia, Salvador, Servia, Sweden and Norway, Turkey, and Uruguay embled at Paris on the 12th of May, 1886, for the purpose of examin- the situation of the different signatory States of the convention of 14th of March, 1884, for the protection of submarine cables, in re-ct to the execution of article 12 of the said convention.

As the result of the examination to which they have applied them-ves in concert, they have arranged a draft of a Declaration which is nexed to the present protocol and which they bind themselves to ommend for adoption to their respective governments.

Done at Paris, May 21, 1886.

Argentine Confederation:
JOSÉ C. PAZ.
Austria-Hungary:
GOLUCHOWSKI.
Belgium:
LEOPOLD ORBAN.
Brazil:
ARINOS.
Costa Rica:
FERNÁNDEZ.
Denmark:
MOLTKE-HVITFELDT.
Dominican Republic:
EMANUEL DE ALMEDA.
Spain:
J. LUIS ALBAREDA.
VICENTE COROMINA.
ZOILO S^nos^ OCAÑO.
United States:
ROBERT M. MCLANE.
France:
F. GRANET.
CLAVERY.
FRIBOURG.
L. RENAULT.
H. CHASSÉRIAU.
J. RAYNAUD.
Great Britain:
C. M. KENNEDY.
C. CECIL TREVOR.
J. C. LAMB.
Greece:
N. S. DELYANNI.
Guatemala:
C. GOGUEL.
Italy:
F. SALVATORI.
G. POLACCO.
Japan:
F. MARSHALL.
The Netherlands:
A. DE STUERS.
Portugal:
JOÃO D'ANDRADE CORVO.
JOÃO ANTONIO DE BRISSAC DAS NEVES FERREIRA.
Roumania:
V. ALECSANDRI.
Russia:
E. ALEXEIEFF.
Salvador:
E. PECTOR.
Servia:
J. MARINOVITCH.
Sweden and Norway:
C. LEWENHAUPT.
Turkey:
DJÉMAL.
Uruguay:
JUAN J. DIAZ.

Translation. The protocol as signed was in the French language only.
This draft was adopted by the signatory powers and signed by the plenipotenies December 1, 1886, and on the part of Germany March 23, 1887.

1886.

DECLARATION* RESPECTING THE INTERPRETATION OF ARTICLES II AND IV OF THE CONVENTION OF MARCH 14, 1884, FOR THE PROTECTION OF SUBMARINE CABLES.

Signed at Paris December 1, 1886; *proclaimed May* 1, 1888.

The undersigned, Plenipotentiaries of the signatory Governments of the Convention of March 14, 1884, for the Protection of Submarine Cables, having recognized the expediency of defining the sense of the terms of Articles II and IV, of the said Convention, have prepared by common accord the following declaration:

Certain doubts having arisen as to the meaning of the word "wilfully" inserted in Article II of the Convention of the 14th of March, 1884, it is understood that the imposition of penal responsibility mentioned in the said article, does not apply to cases of breaking or of injuries occasioned accidentally or necessarily in repairing a cable, when all precautions have been taken to avoid such breakings or damages.

It is likewise understood that Article IV of the Convention has no other object and is to have no other effect than to charge the competent tribunals of each country with the determination, conformably to their laws and according to circumstances, of the question of the civil responsibility of the owner of a cable, who, by the laying or repairing of such cable, causes the breaking or injury of another cable, and also of the consequences of that responsibility, if it is found to exist.

Done at Paris, December 1, 1886, and March 23, 1887, for Germany.

ROBERT M. MCLANE.
MÜNSTER.
JOSÉ C. PAZ.
GOLUCHOWSKI.
BEYENS.
ARINOS.
R. FERNÁNDES.
MOLTKE-HVITFELDT.
EMANUEL DE ALMEDA.
J. L. ALBAREDA.
C. D. FREYCINET.
LYONS.
CRISANTO MEDINA.
N. S. DELYANNI.
L. L. MENABREA.
HARA.
ESSAD.
A. DE STUERS.
COMTE DE VALBOM.
V. ALECSANDRI.
KOTZEBUE.
E. PECTOR.
J. MARINOVITCH.
C. LEWENHAUPT.
JUAN J. DIAZ.

1887.

FINAL PROTOCOL† OF AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND OTHER POWERS FIXING MAY 1ST, 1888, AS THE DATE OF EFFECT OF THE CONVENTION CONCLUDED AT PARIS MARCH 14, 1884, FOR THE PROTECTION OF SUBMARINE CABLES.

Signed at Paris July 7, 1887; *proclaimed May* 1, 1888.

The undersigned, Plenipotentiaries of the Governments, parties to the Convention of March 14, 1884, for the protection of submarine cables, having met at Paris for the purpose of fixing, in pursuance of article 16

* Translation. The declaration as signed was in the French language only.
† Translation. The protocol as signed was in the French language only.

of that international instrument, a date for putting the said Convention into execution, have agreed upon the following:

I. The International Convention of March 14, 1884, for the protection of submarine cables, shall go into operation on the 1st day of May, 1888, provided, however, that at that date those of the contracting Governments that have not yet adopted the measures provided for by article 12 of the said international instrument, shall have conformed to that stipulation.

II. The measures which shall have been taken by the said States in execution of article 12 aforesaid, shall be made known to the other contracting Powers through the French Government, which is charged with the examination of the said measures.

III. The Government of the French Republic is likewise charged with the examination of the similar legislative and reglementary provisions which are to be adopted, in their respective countries, in pursuance of article 12, by such States as have not taken part in the Convention, and as may desire to avail themselves of the privilege of accession, for which provision is made in article 14.

In testimony whereof, the undersigned Plenipotentiaries have adopted this final protocol, which shall be considered as forming an integral part of the International Convention of March 14, 1884.

Done at Paris, July the 7, 1887.

ROBERT M. MCLANE.
LEYDEN.
JOSÉ C. PAZ.
HOYOS.
BEYENS.
ARINOS.
MANUEL M. DE PERALTA.
MOLTKE-HVITFELDT.
EMANUEL DE ALMEDA.
FLOURENS.
J. LUIS ALBAREDA.
LYONS.
CRISANTO MEDINA.
N. S. DELYANNI.
L. L. MENABREA.
HARA.
H. MISSAK.
A. DE STUERS.
COMTE DE VALBOM.
V. ALECSANDRI.
N. DE GIERS.
J. F. MEDINA.
J. MARINOVITCH.
C. LEWENHAUPT.
JUAN J. DIAZ.

SUPPLEMENT.

DENMARK.

1886.

AGREEMENT FOR MUTUAL EXEMPTION OF VESSELS FROM READMEASUREMENT.

Signed at Washington, February 26, 1886.

The Government of the United States of America and the Government of His Majesty the King of Denmark having found it expedient to enter into an agreement for the mutual exemption from readmeasurement of United States and Danish vessels in the ports of their respective countries, have authorized the undersigned to sign the following declaration.

I. Danish steam and sailing vessels shall be exempted from readmeasurement in all ports of the United States, and the net register tonnage denoted in their certificate of registry and nationality shall be deemed to be equal to the net or register tonnage of vessels of the United States, provided only, that, if in any case it shall be found that a vessel has added to her carrying capacity since the issue of her register or certificate of admeasurement, the spaces or houses so added shall be admeasured and the usual fee exacted.

II. Steam and sailing vessels of the United States shall be exempted from readmeasurement in all Danish ports, and the net or register tonnage stated in their certificates of registry shall be deemed to be equal to the net register tonnage of Danish ships; provided only, that in cases in which the certificates of vessels of the United States express the gross tonnage only, deductions of the spaces or compartments appropriated to the use of the crew of the vessel in steam and sailing vessels, and of the spaces occupied by or necessary for the propelling power in steam vessels, shall be made according to the Danish rules for admeasurement, without any expense to the vessel.

The present agreement shall take effect on the 1st of April, 1886.

Done in duplicate at Washington, D. C. this twenty-sixth day of February, 1886.

[SEAL.] T. F. BAYARD.
[SEAL.] P. LÖVENÖRN.

HAWAIIAN ISLANDS.

1884.

CONVENTION EXTENDING THE DURATION OF THE CONVENTION RESPECTING COMMERCIAL RECIPROCITY OF JANUARY 30, 1875, AND GRANTING TO THE UNITED STATES THE EXCLUSIVE RIGHT TO ESTABLISH A COALING STATION ON PEARL RIVER.

Concluded December 6, 1884; *ratifications exchanged at Washington, November* 9, 1887; *proclaimed November* 9, 1887.

Whereas a convention was concluded between the United States of America, and His Majesty the King of the Hawaiian Islands, on the thirtieth day of January, 1875, concerning commercial reciprocity, which by the fifth article thereof, was to continue in force for seven years from the date after it was to come into operation, and further, until the expiration of twelve months after either of the High Contracting Parties should give notice to the other of its wish to terminate the same; and

Whereas, the High Contracting Parties consider that the increase and consolidation of their mutual commercial interests would be better promoted by the definite limitation of the duration of the said convention;

Therefore, the President of the United States of America, and His Majesty the King of the Hawaiian Islands, have appointed:

The President of the United States of America, Frederick T. Frelinghuysen, Secretary of State; and Negotiators.

His Majesty the King of the Hawaiian Islands, Henry A. P. Carter, accredited to the Government of the United States, as His Majesty's Envoy Extraordinary and Minister Plenipotentiary;

Who, having exchanged their respective powers, which were found sufficient and in due form, have agreed upon the following articles:

ARTICLE I.

The High Contracting Parties agree, that the time fixed for the duration of the said convention, shall be definitely extended for a term of seven years from the date of the exchange of ratifications hereof, and further, until the expiration of twelve months after either of the High Contracting Parties shall give notice to the other of its wish to terminate the same, each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter. Duration of the convention of January 30, 1875, extended.

ARTICLE II.*

Right to establish a coaling station.

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River in the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

ARTICLE III.

Ratifications.

The present convention shall be ratified and the ratifications exchanged at Washington, as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have hereunto affixed their respective seals.

Done at the city of Washington the 6th day of December, in the year of our Lord 1884.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] HENRY A. P. CARTER.

* This article is an amendment of the Senate which was accepted by the Hawaiian Government.

MEXICO.

1885 *

CONVENTION PROVIDING FOR AN EXTENSION OF THE TIME FIXED IN ARTICLE VIII OF THE CONVENTION OF JULY 29, 1882 FOR RESURVEYING AND RELOCATING THE EXISTING FRONTIER LINE BETWEEN THE TWO COUNTRIES WEST OF THE RIO GRANDE

Concluded December 5, 1885; *ratifications exchanged at Washington June* 27, 1887; *proclaimed June* 28, 1887.

The United States of America and the United States of Mexico being desirous to comply with the provisions of the Convention, signed at Washington on the twenty-ninth of July one thousand eight hundred and eighty-two to survey and relocate the existing boundary line, between the two countries west of the Rio Grande which so far as they relate to Article VIII of said Convention, have not been carried out through delays in the appointment of the Commission to undertake the work have deemed it expedient to agree upon an extension of the time provided for in said article, and to this end they have appointed their respective Plenipotentiaries, to wit:

The President of the United States of America, Thomas F. Bayard, Secretary of State to the United States of America, and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico in Washington, Negotiators.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following article.

Additional Article.

The time fixed in Article VIII of the Convention concluded at Washington July 29, 1882, between the the United States of America and the United States of Mexico, to establish an international boundary commission for the purpose of re-surveying and re-locating the existing boundary line between the two countries, west of the Rio Grande, as provided for in said Convention, is hereby extended for eighteen months from the expiration of the term fixed in Article VIII of the said Treaty of July 29, 1882. Time in which to re-survey the bound ary line extended to January 3, 1889.

This additional Article shall be ratified by the contracting parties in conformity with their respective constitutions and its ratification shall be exchanged in Washington as soon as possible. Ratifications.

In faith whereof, we, the undersigned, in virtue of our respective full

*See notes: "Abrogated, suspended, or obsolete treaties."

powers, have signed the present additional article in duplicate and have thereunto affixed our respective seals.

Done at the city of Washington, the 5th day of December, in the year of the Lord one thousand eight hundred and eighty-five.

[SEAL.] T. F. BAYARD.
[SEAL.] M. ROMERO.

1886.*

SUPPLEMENTARY ARTICLE TO THE CONVENTION PROVIDING FOR COMMERCIAL RECIPROCITY OF JANUARY 20, 1883, EXTENDING THE TIME ORIGINALLY FIXED FOR THE APPROVAL OF THE LAWS NECESSARY TO CARRY IT INTO OPERATION TO MAY 20, 1887.

Concluded May 14, 1886; *ratifications exchanged at Washington January* 29, 1887; *proclaimed February* 1, 1887.

The United States of America and the United States of Mexico, deeming it expedient to further extend the time for the approval of the laws necessary to carry into operation the Commercial Convention concluded between the two Governments, signed at Washington, January 20, 1883, which time as fixed in Article VIII, of said convention was by the additional article signed February 25, 1885, extended until the 20th of May of the present year, have appointed as their Plenipotentiaries, to wit:

Negotiators.

The President of the United States of America, Thomas Francis Bayard, Secretary of State of the United States of America, and the President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico at Washington; who, after having exhibited to each other their respective full powers, found in good and due form, have agreed upon and concluded the following article:

SUPPLEMENTARY ARTICLE.

Time for the approval of the laws to carry into effect the Convention of January 20, 1883, extended to May 20, 1887.

The time originally fixed in Article VIII of the Commercial Convention between the United States of America and the United States of Mexico, signed at Washington January 20, 1883, for the approval of the laws necessary to carry it into operation, and which time was, by the additional article between the United States of America and the United States of Mexico signed February 25, 1885, extended to May 20, 1886, is hereby further extended to the 20th of May, 1887.

Ratifications.

This Supplementary Article shall be ratified by the contracting parties in conformity with their respective Constitutions, and its ratifications shall be exchanged in Washington as soon as possible, it being understood that such exchange of ratifications at any date prior to the 20th of May, 1887, shall be effective for all the intents and purposes of the present article.

In faith whereof, we, the undersigned Plenipotentiaries have signed the present supplementary article, in duplicate, in the English and Spanish languages, and have hereunto affixed our respective seals.

Done at the City of Washington the 14th day of May, in the year of our Lord one thousand eight hundred and eighty-six.

[SEAL.] T. F. BAYARD.
[SEAL.] M. ROMERO.

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* See notes: "Abrogated, suspended, or obsolete treaties."

PERU.

1887.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION

Concluded August 31, 1887; *ratifications exchanged at Lima, October* 1, 1888; *proclaimed November* 7, 1888.

The United States of America and the Republic of Peru, being mutually animated with the desire, to render permanent the friendly relations which happily have always subsisted between them, and to place their international intercourse upon the most liberal basis, have resolved to fix clear rules for their future guidance, through the formation of a treaty of friendship, commerce, and navigation.

To attain this purpose, the President of the United States of America has conferred full powers on Charles W. Buck, Envoy Extraordinary and Minister Plenipotentiary of said Government, to the Government of Peru, and the President of Peru has conferred like full powers upon Señor Don Cárlos M. Elias, Minister of Foreign Relations who, after comparing their respective powers, found to be in proper form, have agreed upon the following articles: Negotiators.

ARTICLE I.

There shall be perfect and perpetual peace and friendship between the United States of America and the Republic of Peru, and between their respective territories, people, and citizens, without distinction of persons or places. Declaration of amity.

ARTICLE II.

The United States of America and the Republic of Peru mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of either Republic may frequent with their vessels all the coasts, ports, and places of the other, wherever foreign commerce is permitted, and reside in all parts of the territory of either, and occupy the dwellings and warehouses which they may require, subject to the existing laws; and everything pertaining thereto shall be respected, and shall not be subjected to any arbitrary visits or search. Freedom of commerce and navigation. Right to frequent ports. Residence. Arbitrary searches.

The said citizens shall have full liberty to trade in all parts of the territories of either, according to the rules established by the respective

regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce not prohibited to all, and to open retail and wholesale stores and shops under the same municipal and police regulations as native citizens: and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens.

Trading.

The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing; they shall not be called upon for any forced loan or extraordinary contribution for any military expedition, or for any public purpose whatever, nor shall they be liable to any embargo, or be detained with their vessels, cargoes, merchandise, goods, or effects, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

Traveling security.

Forced loans.

Indemnity for embargo.

ARTICLE III.

No higher or other duties, or charges on account of tonnage, light houses or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any ports of Peru, on vessels of the United States, than those payable in the same ports by Peruvian vessels, nor in any of the ports of the United States on Peruvian vessels, than shall be payable in the same ports by vessels of the United States.

No discriminating duties on vessels.

ARTICLE IV.

All kinds of merchandise and articles of commerce which may be lawfully imported into the ports and territories of either of the high contracting parties in national vessels may also be so imported in vessels of the other party without paying other or higher duties or charges, of any kind or denomination whatever, than if the same merchandise and articles of commerce were imported in national vessels; nor shall any distinction be made in the manner of making payment of the said duties or charges.

No discrimination in duties on imports on account of nationality of vessels importing same.

It is expressly understood that the stipulations in this and the preceding article are to their full extent applicable to the vessels, and their cargoes, belonging to either of the high contracting parties arriving in the ports and territories of the other, whether the said vessels have cleared directly from the ports of the country to which they appertain, or from the ports of any other nation.

ARTICLE V.

No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of either of the high contracting parties of any article, the produce, growth, or manufacture of the other party, than are, or shall be, payable on the like article, being the produce, growth, or manufacture of any other country; nor shall any prohibition be imposed upon the importation of any article, the produce, growth, or manufacture of either party, into the ports or territories of the other, which shall not equally extend to all other nations.

No discriminating duties on account of nationality of imports.

ARTICLE VI.

All kinds of merchandise and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels, may also be exported in vessels of the other party; and they shall be subject to the same duties only, and be entitled to the same drawbacks, bounties, and allowances, whether the same merchandise and articles of commerce be exported in vessels of the one party or in vessels of the other party.

No discrimination in duties, drawbacks, or bounties on exports.

ARTICLE VII.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another, situated in the territories of either contracting party, the regulation of such navigation and trade being reserved respectively by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port or ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outward.

Coasting trade.

Right to proceed from port to port.

ARTICLE VIII.

The Republic of Peru, desiring to increase the intercourse along its coasts by means of steam-navigation, hereby engages to accord to any citizen or citizens of the United States, who may establish a line of steam-vessels to navigate regularly between the different ports of entry within the Peruvian territories, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage, specie and bullion, carrying the public mails, establishing depots for coal, erecting the necessary machine and work-shops for repairing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever. It is furthermore understood between the two high contracting parties that the vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company as provided by law current at the time of application.

Lines of steam-vessels.

Equality of charges on steam-vessels.

ARTICLE IX.

For the better understanding of the preceding articles, it is stipulated and agreed that every vessel belonging exclusively to a citizen or citizens of either country, and flying the flag of such country, shall be considered as a vessel of that country.

Nationality of vessels; how established.

ARTICLE X.

Privileges of the citizens of one nation in the territory of the other in business affairs.

The merchants, commanders, or masters of vessels, and other citizens of either contracting party, shall be wholly free to manage their own business and affairs in all the ports and places within the jurisdiction of the other, or to commit their business and affairs to the management of any person whom they may choose to appoint as agent, factor, consignee, or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise and articles of commerce, as to the purchase of their returns, unloading, loading, and sending off their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise or articles of commerce imported into or to be exported from the territories of either contracting party, the regulations of commerce established in the respective countries being in every case duly observed.

ARTICLE XI.

Disposal of and succession to property.

The citizens of either of the high contracting parties shall have the full power and liberty to dispose of their personal and real estate and effects of every kind and description, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their heirs or representatives, being citizens of the other party, shall succeed to the said personal and real estate and effects, whether by testament or ab intestato, and may take possession of the same themselves or by others acting for them, and dispose of the same at their pleasure, paying such dues only as the citizens of the country, wherein said estate and effects may be, shall be subject to pay in like cases.

ARTICLE XII.

Shipwrecks.

Salvage.

If any vessel belonging to the citizens of either of the high contracting parties should be wrecked, suffer damage, or be left derelict on or near the coasts within the territories of the other, all assistance and protection shall be given to such vessel and her crew; and the vessel, or any part thereof, and all furniture and appurtenances belonging thereto, together with all the merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the owners or their agents, they paying only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable, in like case by national vessels; and it shall be permitted for them to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting in such case any duty, import or contribution whatever provided the same be exported.

ARTICLE XIII.

Vessels seeking refuge.

When through stress of weather, want of water or provisions, pursuit of enemies or pirates, the vessels of one of the high contracting parties, whether of war, (public or private,) or of trade, or employed in fishing, shall be forced to seek shelter in the ports, rivers, bays, and dominions of the other, they shall be received and treated

with humanity; sufficient time shall be allowed for the completion of repairs, and while any vessel may be undergoing them, its cargo shall not unnecessarily be required to be landed either in whole or in part; all assistance and protection shall be given to enable the vessels to procure supplies, and to place them in a condition to pursue their voyage without obstacle or hinderance.

ARTICLE XIV.

All vessels, merchandise, and effects belonging to the citizens of either of the high contracting parties, which may be captured by pirates either on the high seas or within the limits of its jurisdiction, and may be carried into or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners or their agents, they proving, in due and proper form, their rights before the competent tribunals, it being understood that the claim thereto shall be made within two years by the owners themselves, their agents, or the agents of the respective Governments.

Property captured by pirates.

ARTICLE XV.

The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other, of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdiction; they shall have free and open access to the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be; and they shall be at liberty to employ, in all causes, the advocates, attorneys, notaries, or agents, of whatever description, whom they may think proper. The said citizens shall not be liable to imprisonment without formal commitment under a warrant signed by a legal authority, except in cases flagrantis delicti; and they shall in all cases be brought before a magistrate or other legal authority for examination within twenty-four hours after arrest; and if not so examined, the accused shall forthwith be discharged from custody. Said citizens, when detained in prison, shall be treated, during their imprisonment, with humanity, and no unnecessary severity shall be exercised toward them.

Protection to persons and property.

Access to tribunals of justice.

Employment of attorneys.

Imprisonment.

Examination after arrest.

Treatment of persons in prison.

ARTICLE XVI.

It is likewise agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one or the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

Liberty of conscience and religion.

Right of burial.

ARTICLE XVII.

The citizens of the United States of America and the Republic of Peru may sail with their vessels, with entire freedom and security, from

Trading from enemies' ports.

any port to the ports or places of those who now are, or hereafter shall be, the enemies of either of the contracting parties, whoever may be the owners of the merchandise laden in the said vessels. The same citizens shall also be allowed to sail with their vessels, and to carry and traffic with their merchandise, from the ports and places of the enemies of both parties, or of one of them, without any hinderance, not only to neutral ports and places, but also from one port belonging to an enemy to another enemy's port, whether they be under the jurisdiction of one power or of several. And it is agreed that free ships shall give freedom to goods, and that everything shall be deemed free which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading, or a part thereof, should belong to the enemies of either, articles contraband of war being always excepted. The same liberty shall be extended to persons who may be on board free ships, so that said persons cannot be taken out of them, even if they may be enemies of both parties, or of one of them, unless they are officers or soldiers in the actual service of the enemy. It is agreed that the stipulations in this article declaring that the flag shall cover the property shall be understood as applying to those nations only who recognize this principle; but if either of the contracting parties shall be at war with a third, and the other shall remain neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not that of others.

Free ships make free goods.

Contraband excepted.

Protection to persons on free ships.

Application of stipulations.

ARTICLE XVIII.

The liberty of commerce and navigation stipulated for in the preceding articles shall extend to all kinds of merchandise, except the articles called contraband of war, under which name shall be comprehended:

Articles contraband of war.

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, dynamite and all explosives which are recognized as of use for purposes of war, matches, balls, torpedoes, and everything belonging to the use of these arms.

2. Bucklers, helmets, breastplates, coats of mail, accoutrements, and clothes made up in military form and for military use.

3. Cavalry belts and horses, with their harness.

4. And, generally, all offensive and defensive arms made of iron, steel, brass, copper, or any other material, prepared and formed to make war by land or at sea.

ARTICLE XIX.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subject of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only shall be considered as besieged or blockaded which are actually invested or attacked by a force capable of preventing the entry of the neutral.

Besieged and blockaded places.

ARTICLE XX.

The articles of contraband, or those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, or of so large bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this, and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

Detention of contraband articles.

Detention of vessels carrying contraband.

ARTICLE XXI.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after having been warned of such blockade or investment by a commanding officer of a vessel forming part of the blockading forces, she again attempts to enter; but she shall be permitted to go to any other port or place the master or supercargo may think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from leaving it with her cargo, nor if found therein before or after the reduction or surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution, but the owners thereof shall remain in the undisturbed possession of their property. And if any vessel having thus entered the port before the blockade took place shall take on board a cargo after the blockade be established and attempt to depart, she may be warned by the blockading forces to return to the blockaded port and discharge the said cargo; and if, after receiving such warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as in the case of a vessel attempting to enter a blockaded port after having been warned off by the blockading forces.

Vessels to be turned away from blockaded port.

Vessels in a port before blockade.

Vessel found in a port on surrender.

Vessel attempting to leave blockaded port with cargo.

ARTICLE XXII.

To prevent disorder and irregularity in visiting and examining the vessels and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war, public or private, shall meet with a neutral of the other party, the former shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than may be necessary to execute the said examination of the pa-

Visiting and search of vessels on high seas.

pers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property; for which purpose the commanders of said private armed vessel shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board of the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

Security given by private armed men.

Neutral party not required to go on board examining vessel for any purpose.

ARTICLE XXIII.

Both contracting parties likewise agree that when one of them shall be engaged in war, the vessels of the other must be furnished with sea-letters, patents, or passports, in which shall be expressed the name, burden of the vessel, and the name and place of residence of the owner thereof, in order that it may appear that the vessel really and truly belongs to citizens of the said other party. It is also agreed that such vessel, being laden, besides the said sea letters, patents, or passports, shall be provided with manifests or certificates containing the particulars of the cargo, and the place where it was taken on board, so that it may be known whether any part of the same consists of contraband or prohibited articles; which certificate shall be made out in the accustomed form by the authorities of the port whence the vessel sailed; without which requisites the vessel may be detained, to be adjudged by the competent tribunals and may be declared good and legal prize, unless it shall be proved that the said defect or omission was owing to accident, or unless it shall be satisfied or supplied by testimony equivalent in the opinion of the said tribunals, for which purpose there shall be allowed a reasonable length of time to procure and present it.

Sea letters; when to be used.

Manifests of cargo.

Treatment of vessels without sea-letters and manifests.

ARTICLE XXIV.

The preceding stipulations relative to the visit and examination of vessels shall apply only to those which sail without convoy; for when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag they carry, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Vessels sailing with convoy.

ARTICLE XXV.

It is further agreed, that in all prize-cases, the courts specially established for such causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such courts of either party shall pronounce judgment against any vessel, merchandise, or property claimed by the citizens of the other party, the sentence or decree shall set forth the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings connected with the case, shall, if demanded, be delivered to the commander or agent of the said vessel, merchandise, or property, without any excuse or delay, upon payment of the established legal fees for the same.

Prize courts and decrees.

Article XXVI.

Whenever one of the contracting parties shall be engaged in war with another nation, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or coöperating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

Letters of marque; when forbidden.

Article XXVII.

If, which is not to be expected, a rupture should at any time take place between the two contracting nations, and they should engage in war with each other, they have agreed, now for then, that the merchants, traders, and other citizens of all occupations of either of the two parties residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property so long as they conduct themselves peaceably and properly, and commit no offence against the laws. And in case their acts should render them justly suspected, and having thus forfeited this privilege the respective Governments should order them to leave the country, the term of twelve months from the publication or intimation of the order therefor shall be allowed them in which to arrange and settle their affairs, and remove with their families, effects, and property; to which end the necessary safe-conduct shall be given to them, which shall serve as a sufficient protection, until they arrive at the designated port and there embark; but this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, understood that the respective Governments may order the persons so suspected to remove forthwith to such places in the interior as may be designated.

Mutual rights of residents in case of war.

Article XXVIII.

In the event of a war, or of any interruption of friendly intercourse between the high contracting parties, the money, private debts, shares in the public funds, or in the public or private banks, or any other property whatever, belonging to the citizens of the one party in the territories of the other, shall in no case, for that cause alone, be sequestrated or confiscated.

Exemption of property and debts from confiscation in time of war.

Article XXIX.

The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their envoys, ministers, chargés d'affaires, and other diplomatic agents, the same favors, privileges, immunities, and exemptions that those of the most favored nation do or shall enjoy, it being understood that the favors, privileges, immunities, and exemptions granted by the one party to the envoys, ministers, chargés d'affaires, or other diplomatic agents of the other party, or to those of any other nation, shall be reciprocally granted and extended to those of both the high contracting parties respectively.

Privileges and immunities of ministers.

ARTICLE XXX.

Consuls; their privileges and immunities.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Peru agree to admit and receive, mutually, consuls and vice-consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, privileges, and immunities of the consuls and vice-consuls of the most favored nation; but to enjoy the rights, prerogatives, and immunities which belong to them in virtue of their public character, the consuls and vice-consuls shall, before exercising their official functions, exhibit to the Government to which they are accredited their commissions or patents in due form, in order to receive their exequatur; after receiving which they shall be acknowledged in their official characters by the authorities, magistrates, and inhabitants of the districts in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places where the admission and residence of consuls and vice-consuls may not seem to be convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

ARTICLE XXXI.

Exemption of consuls; inviolability of archives.

The consuls, vice-consuls, their officers and persons employed in their consulates, shall be exempt from all public service, and from all kinds of taxes, imposts, and contributions, except those which they shall be lawfully held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being, in other respects, subject to the laws of the respective countries. The archives and papers of the consulates shall be inviolably respected; and no person, magistrate, or other public authority shall, under any pretext, interfere with or seize them.

ARTICLE XXXII.

Deserters.

The consuls and vice-consuls shall have power to require the assistance of the public authorities of the country in which they reside for the arrest, detention, and custody of deserters from the vessels of war or merchant-vessels of their nation; and where the deserters claimed shall belong to a merchant-vessel, the consuls or vice-consuls must address themselves to the competent authority, and demand the deserters in writing, proving by the ship's roll or other public document that the individuals claimed are a part of the crew of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel of war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to identify the deserters; and when the demand of the consuls or vice-consuls shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the consuls or vice-consuls, or, at the request of these, shall be put in the public prisons, and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The

high contracting parties agree that it shall not be lawful for any public authority or other person within their respective dominions to harbor or protect such deserters.

ARTICLE XXXIII.

Until the conclusion of a consular convention, which the high contracting parties agree to form as soon as may be mutually convenient, it is stipulated, that in the absence of the legal heirs or representatives the consuls or vice-consuls of either party shall be ex-officio the executors or administrators of the citizens of their nation who may die within their consular jurisdictions, and of their countrymen dying at sea whose property may be brought within their district. The said consuls or vice-consuls shall call in a justice of the peace or some other judicial authority to assist in taking an inventory of the effects and property left by the deceased, after which the said effects shall remain in the hands of the said consuls or vice-consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their respective Governments. And where the deceased has been engaged in commerce or other business, the consuls or vice-consuls shall hold the effects and property so remaining until the expiration of twelve calendar months, during which time the creditors, if any, of the deceased, shall have the right to present their claims and demands against the said effects and property; and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that if no claim or demand shall have been made against the effects and property of an individual so deceased, the consuls or vice-consuls, at the expiration of the twelve calendar months, may close the estate and dispose of the effects and property in accordance with the instructions from their own Governments.

Death of citizens of one nation in the territory of the other.

ARTICLE XXXIV.

As a consequence of the principles of equality herein established, in virtue of which the citizens of each one of the high contracting parties enjoy in the territory of the other the same rights as natives, and receive from the respective Governments the same protection in their persons and property, it is declared that only in case that such protection should be denied, on account of the fact that the claims preferred have not been promptly attended to by the legal authorities, or that manifest injustice has been done by such authorities, and after all the legal means have been exhausted, then alone shall diplomatic intervention take place.

When claims shall become subjects of diplomatic intervention.

ARTICLE XXXV.

The United States of America and the Republic of Peru, desiring to make as durable as possible the relations established between the two parties in virtue of this treaty of friendship, commerce, and navigation, declare solemnly and agree as follows:

1st. The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof, and further until the end of one year after either of the high contracting parties shall have given notice to the other of its in-

Duration of treaty.

tention to terminate the same, each of them reserving to itself the right of giving such notice to the other at any time after expiration of the said term of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party, as above mentioned, this treaty shall altogether cease and terminate.

Infringement of treaty by citizens.

2nd. If any citizen or citizens of either party shall infringe any of the articles of this treaty, such citizen or citizens shall be held personally responsible therefor, and the harmony and good understanding between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender or offenders, or to sanction such violation, under pain of rendering itself liable for the consequences thereof.

Reprisals and declarations of war.

3d. Should, unfortunately, any of the provisions contained in the present treaty be violated or infringed in any other manner whatever, it is expressly stipulated and agreed that neither of the contracting parties shall order or authorize any act of reprisals, nor declare nor make war against the other on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and, demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

Treaties with other nations not affected.

4th. Nothing contained in this treaty shall, however be construed to operate contrary to former and existing public treaties with other nations or sovereigns.

Ratifications.

The present treaty of friendship, commerce, and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Peru, with the approbation of the Congress thereof, and the ratifications shall be exchanged at Washington or Lima as soon thereafter as possible.

In evidence whereof we, the Plenipotentiaries of the United States of America and of the Republic of Peru, have signed and sealed these presents: at the city of Lima, in duplicate English and Spanish, this the thirty-first day of August in the year of our Lord one thousand eight hundred and eighty-seven.

[SEAL] CHAS. W. BUCK
[SEAL] CARLOS M. ELIAS

SPAIN.

1886.

AGREEMENT FOR THE RECIPROCAL SUSPENSION OF ALL DISCRIMINATING DUTIES OF TONNAGE OR IMPOSTS IN THE PORTS OF THE UNITED STATES AND THE ISLANDS OF CUBA AND PORTO RICO.

Signed at Washington, October 27, 1886; *proclaimed October* 27, 1886.

Memorandum of agreement between the Government of the United States of America and the Government of Spain for the reciprocal and complete suspension of all discriminating duties of tonnage or imposts between the United States and in the islands of Cuba and Porto Rico upon the vessels of the respective countries and their cargoes.

First. It is positively understood that from this date an absolute reciprocalization of tonnage and impost duties will at once be applied to the products of and articles proceeding from the United States, or from any foreign country in vessels owned by citizens of the United States, to the islands of Cuba and Porto Rico, and that at no higher or other impost or tonnage duties will be levied upon such vessels and the merchandise carried in them, as aforesaid, than are imposed upon Spanish vessels and their cargoes under the same circumstances.

Discriminating duties to be suspended with respect to United States vessels and their cargoes in the islands of Cuba and Porto Rico.

Under the above conditions the President of the United States will at once issue his proclamation declaring that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects Spanish vessels and the produce, manufactures, or merchandise imported in them into the United States from Spain or her possessions aforesaid, or from any foreign country.

Discriminating duties to be suspended with respect to Spanish vessels and their cargoes in the United States.

This memorandum of agreement is offered by the Government of Spain and accepted by the Government of the United States as a full and satisfactory notification of the facts above recited.

Secondly. The United States minister at Madrid will be authorized to negotiate with the minister of foreign affairs, either by an agreement or treaty, so as to place the commercial relations between the United States and Spain on a permanent footing advantageous to both countries.

Commercial treaty to be negotiated.

In witness whereof the undersigned, in behalf of the Governments of the United States and of Spain respectively, have hereunto set their hands and seals.

Done at Washington, this 27th day of October, A. D. 1886.

[SEAL.] T. F. BAYARD.

[SEAL.] E. DE MURUAGA.

1887.

MEMORANDUM OF AGREEMENT FOR THE RECIPROCAL AND COMPLETE SUSPENSION OF ALL DISCRIMINATING DUTIES OF TONNAGE OR IMPOSTS IN ALL THE PORTS OF THE UNITED STATES AND SPAIN.

Done at Washington September 21, 1887.

Memorandum of agreement between the Government of the United States of America and the Government of Spain for the reciprocal and complete suspension of all discriminating duties of tonnage or imposts in the United States and in the Islands of Cuba and Porto Rico and all other countries belonging to the Crown of Spain, upon vessels of the respective countries and their cargoes.

Discriminating tonnage dues and imposts to be abolished with respect to American vessels.

1. It is positively agreed that from this date an absolute equalization of tonnage dues and imposts shall at once be applied to the productions of or articles proceeding from the United States, or any other foreign country, when carried in vessels belonging to citizens of the United States, and under the American flag, to the Islands of Cuba, Porto Rico and the Philippines, and also to all other countries belonging to the Crown of Spain, and that no higher or other tonnage dues or imposts shall be levied upon said vessels and the goods carried in them, as aforesaid, than are paid by Spanish vessels and their cargoes under similar circumstances.

Discriminating tonnage dues and imposts to be abolished with respect to Spanish vessels.

2. On the above conditions, the President of the United States shall at once issue a proclamation declaring that discriminating tonnage dues and imposts in the United States are suspended and discontinued as regards Spanish vessels and produce, manufactures or merchandise imported into the United States, proceeding from Spain, from the aforesaid possessions and from the Philippine Islands; and also from all other countries belonging to the Crown of Spain or from any foreign country.

This protocol of an agreement is offered by the Government of Spain and accepted by that of the United States as a full and satisfactory notification of the facts above recited.

Commercial treaty to be negotiated.

3. The United States Minister at Madrid will be authorized to negotiate with the Minister for Foreign Affairs either by an agreement or treaty, so as to place the commercial relations between the United States and Spain on a permanent footing advantageous to both countries.

In witness whereof, the undersigned, in behalf of the Governments of the United States and of Spain respectively, have hereunto set their hands and seals.

Done at Washington this 21st day of September in the year of our Lord 1887.

[SEAL.] T. F. BAYARD.
[SEAL.] E. DE MURUAGA.

TONGA.

1886.

TREATY OF AMITY, COMMERCE, AND NAVIGATION.

Concluded October 2, 1886; ratifications exchanged at Nukualofa August 1, 1888; proclaimed September 18, 1888.

The United States of America, and the King of Tonga, mutually desirous of maintaining and strengthening their relations and interests; have resolved to conclude a treaty of amity, commerce and navigation; and to this end have empowered as their representatives: The President of the United States; George H. Bates, Special Commissioner of the United States to Tonga; And His Majesty, the King of Tonga; the Reverend Shirley Waldemar Baker, Premier of the Kingdom of Tonga; Who, after producing to each other their respective powers, have agreed upon the following Articles: Negotiators.

ARTICLE I.

There shall be perpetual peace and amity between the United States of America and the King of Tonga, his heirs and his successors. Peace and amity.

ARTICLE II.

The citizens of the United States shall always enjoy, in the dominions of the King of Tonga, and Tongan subjects shall always enjoy in the United States, whatever rights, privileges and immunities are now accorded to citizens or subjects of the most favored nation; and no rights, privileges or immunities shall be granted hereafter to any foreign state or to the citizens or subjects of any foreign state by either of the High Contracting Parties, which shall not be also equally and unconditionally granted by the same to the other High Contracting Party, its citizens or subjects; it being understood that the Parties hereto affirm the principle of the law of nations that no privilege granted for equivalent or on account of propinquity or other special conditions comes under the stipulations herein contained as to favored nations. Reciprocal immunities to citizens. Privileges granted for equivalents.

ARTICLE III.

Citizens of the United States in Tonga, and Tongans in the United States, may visit sojourn and trade in any part of the respective jurisdictions, and rent, occupy and improve lands and erect dwellings, offices and ware-houses thereon, subject to the Permission to trade and sojourn.

laws and regulations of the country; which shall however in no cas except in respect of employment as laborers, be more restrictive th those imposed upon the citizens or subjects of the respective countr or upon the citizens or subjects of the most-favored nation.

ARTICLE IV.

Commerce and navigation.

There shall be reciprocal liberty of commerce and nav gation between the United States and the Tonga Island and no duty of customs or other impost shall be charged upon any goo being the produce or manufacture of one country, when imported ther from into the other country, other or higher than is charged upon t same, the produce or manufacture of or imported from any other countr

ARTICLE V.

Harbor dues and shipping charges.

No other or higher duties or charges on account of harb dues, pilotage, quarantine, salvage in case of damage ship-wreck or other shipping charges shall be imposed in the dominio of the King of Tonga on vessels of the United States, or in the Unit States on Tongan vessels, than are imposed on vessels belonging to t most-favored nation.

ARTICLE VI.

Rights of ships-of-war.

The ships-of-war of either of the High Contracting Parti may enter all ports, places and waters within the jurisdict of the other, to anchor and remain, take in stores, refit and repair, su ject to the laws and regulations of the country. To enable this privile to be carried out in his dominions, the King of Tonga agrees to secu to the government of the United States by lease at nomi

Lease of coaling station on Tonga Islands.

rent, with covenants of renewal, all rights of free use necessary ground in any harbor of the Tonga Islands whi shall be mutually agreed upon, for the purpose of establishing a perm nent coaling and repair-station, the rights of Tongan sovereignty there being fully reserved and admitted; and in selecting a station for this p pose, due regard shall be had for any similar concession which the Ki of Tonga has or may have granted by treaty to any other governme

ARTICLE VII.

Steam mail vessels.

All steam vessels which may be employed by the Gove ment of the United States in the carrying of their mails and across the Pacific Ocean shall have free access to all ports of t Tonga Islands, and shall be there subject only to one-third of the us harbor and pilotage dues, *provided* that no vessel shall be entitled such exemption except upon condition of carrying free of charge t Tongan mails to ports of destination and call of such vessel.

ARTICLE VIII.

Privileges to whaling and fishing vessels.

The whaling or fishing vessels of the United States sh have free access to the ports and harbors of Tonga, and the ports of entry thereof shall be permitted to barter trade their supplies or goods for provisions for the use of their own v sels and crews, without being subject to the law relative to trad

licenses, and shall be subject to no port-, or harbor-dues or pilotage whatever; but this privilege of barter and trade shall not include the supplying of spirituous liquors, or arms or ammunition to the Tongans. And such whaling or fishing vessels shall, after having entered any port of entry in the Tonga Islands, be at liberty to anchor off any island or reef thereof, for the purpose of whaling or boiling down; provided, such vessel does not anchor within the distance of three nautical miles from any inhabited town,—but nothing in this clause shall be so construed as to permit infringement of the quarantine laws of the dominions of the King of Tonga.

ARTICLE IX.

All citizens of the United States residing in the Tonga Islands, and Tongan subjects residing in the United States, shall be exempted from all compulsory military service whether by sea or land, and from all forced loans, military requisitions and quartering of troops. They shall, moreover not be compelled to pay any other or higher taxes or license fees, or personal dues of any kind, than are or may be paid by the citizens or subjects of the High Contracting Party levying the same.

Exemption from military duty.

ARTICLE X.

Should any member of the ship's company desert from a vessel-of-war or merchant vessel of either of the High Contracting Parties, while such vessel is within the territorial jurisdiction of the other, the local authorities shall render all lawful assistance for the apprehension of such deserter, on application to that effect made by the Consul of the High Contracting Party concerned, or if there be no consul, then by the master of the vessel.

Desertion of seamen.

ARTICLE XI.

Each of the High Contracting Parties may appoint Consuls, Vice-Consuls, Commercial Agents and Vice-Commercial Agents, for the protection of trade, to reside in the territory of the other High Contracting Party; but before any Consular officer so appointed shall act as such, he shall in the usual form be approved of and admitted by the Government of the country to which he is sent; and all such Consular officers shall enjoy the same privileges and powers with those of the most favored nation.

Appointment of Consular officers.

ARTICLE XII.

Consuls and Consular representatives of the United States in Tonga shall have all jurisdictional rights over civil and criminal matters concerning their own citizens and vessels, in conformity with the statutes of the United States and the law of nations; and they may call upon the authorities of Tonga for aid in making arrests or enforcing judgments: And, Citizens of the United States charged with committing offenses against Tongans shall be amenable only to the Consular jurisdiction and shall be punished according to the law of the United States: and Tongans charged with committing offenses against citizens of the United States shall be tried by Tongan courts and punished according to Tongan law.

Jurisdiction of U. S. consular officers in Tonga.

Claims of a civil nature against citizens of the United States shall be cognizable only in the Consular jurisdiction, and Tongan courts shall be open to citizens of the United States to

Civil suits.

prosecute such claims against Tongans, according to law: *Provided* that citizens of the United States charged with violations of laws and regulations of Tonga relating to customs, taxation, public health and local police not cognizable as such under the laws of the United States, shall be amenable to the jurisdiction of the Tongan courts upon notice to the nearest U. S. Consul or Commercial Agent, if there be one resident in Tonga, who shall have the right to be present at the trial and to direct or provide for the defense of the accused; the proceedings at all such trials shall be public and accessible.

ARTICLE XIII.

Religious freedom.

Perfect and entire freedom of conscience and worship, with right of sepulture according to their creed, shall be enjoyed by the citizens or subjects of either of the High Contracting Parties within the jurisdiction of the other.

ARTICLE XIV.

Duration.

This Treaty shall become effective upon promulgation and shall continue in force for ten years, and thereafter until one year after notice shall have been given by one of the High Contracting Parties to the other of its desire to terminate the same: save and except as to Article VI. (relative to the establishment of a coaling-station), which shall be terminable only by mutual consent.

ARTICLE XV.

Ratifications.

This Treaty shall be ratified and the ratifications exchanged at Nukualofa as soon as possible.

This Treaty is executed in duplicate, one copy being in English and the other in Tongan, both versions having the same meaning and intention, but the English version shall be considered the original, and shall control in case of any variance.

In witness whereof, the respective plenipotentiaries have signed this Treaty, and thereunto affixed their respective seals.

Done in the harbor of Nukualofa, in Tongatabu, on board the United States Steamer, "Mohican," this second day of October, in the year of our Lord, one thousand, eight hundred and eighty-six.

[SEAL.] GEO. H. BATES.
[SEAL.] SHIRLEY W. BAKER.

ZANZIBAR.

1886.

TREATY CONCERNING IMPORT DUTY AND CONSULS, ENLARGING AND DEFINING STIPULATIONS OF THE TREATY OF SEPTEMBER 21, 1833.

Concluded July 3, 1886; ratifications exchanged at Zanzibar June 29, 1888; proclaimed August 17, 1888.

The Government of the United States of America and His Highness Barghash bin Saïd Sultan of Zanzibar, being mutually desirous to confirm and strengthen the friendly relations which now subsist between the two countries by enlarging and defining the treaty stipulations already existing between them in virtue of the Treaty concluded on the 21st of September 1833, corresponding to the sixth day of the moon called Jamada Alawel in the year of the Allhajia 1249, between the United States of America and His Majesty Seyed Syed bin Sultan of Muscat (and Sovereign of Zanzibar), which Treaty has continued in force as to Zanzibar, and its dependencies after the separation of Zanzibar from Muscat, and has been expressly accepted, ratified and confirmed by His said Highness Barghash bin Saiid, Sultan of Zanzibar on the 20th of October 1879, corresponding to the 4th Zulkaadi, 1296, have resolved to conclude an additional treaty to that end and have appointed as their Plenipotentiaries to wit:— Contracting parties.

The President of the United States of America, Frederic M. Cheney, Consul of the United States at Zanzibar, and His Highness the Sultan of Zanzibar his private secretary Mohamet Salim bin Mahommed Al Mavli, who having exhibited to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles. Negotiators.

ARTICLE I.

Notwithstanding the provisions of Article III of the treaty abovementioned, by which no more than five *per centum* duties shall be paid on the cargo landed from vessels of the United States entering any port within His Highness the Sultan's dominions, spirits and spirituous liquors containing more than 20 *per centum* by volume of alcohol, when imported into the dominions of His Highness the Sultan from abroad in vessels of the United States, shall be subject to an entry or import duty not exceeding 25 *per centum ad valorem*. Provided that no other or higher import duties shall be so levied and collected upon spirits carried to Zanzibar in vessels of the United States than are levied and collected upon like imports of spirits in the vessels of any other nation. Duty on liquors increased.

ARTICLE II.

Rights of consuls.

The Consuls of the United States appointed under the stipulatio of the IX^th article of the treaty above mentioned, shall addition to the rights, powers and immunities secured said article, enjoy all the rights, privileges, immunities and jurisd tional powers which are now or may hereafter be enjoyed by the Co suls and Consular Agents of the most favored nations and conversel the Consuls and Consular Agents which His Highness the Sultan m appoint to reside in the United States shall have the treatment Agents of like grade of the most favored nation.

ARTICLE III.

Ratifications.

This Treaty shall be ratified and the ratifications e changed at Zanzibar, as soon as possible.

Done in duplicate each copy being in the English and Arabic la guages, at Zanzibar the third day of July 1886, corresponding to th thirtieth day of the moon called Ramajan in the year of the Hegira, 130

[SEAL] FREDERIC M. CHENEY

MOHAMET SALIM BIN MAHOMMED

[SEAL] ALI MAVLI.

LIST OF THE TREATIES AND CONVENTIONS WITH FOREIGN POWERS, CHRONOLOGICALLY ARRANGED.

I. *Prior to the organization under the Constitution,* 1778 *to March* 4, 1789.

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1778.	February 6	France	Amity and commerce	296
	February 6	France	Alliance	307
	February 6	France	Act separate and secret	309
1782.	July 16	France	Payment of loan	310
	October 8	Netherlands	Amity and commerce	749
	October 8	Netherlands	Recaptured vessels	759
	November 30	Great Britain	Provisional articles preliminary to peace	370
	November 30	Great Britain	Separate article	373
1783.	January 20	Great Britain	Armistice	374
	February 25	France	New loan	314
	April 3	Sweden	Amity and commerce	1042
	April 3	Sweden	Separate articles	1050
	September 3	Great Britain	Peace	375
1785.	July 9 and 28, August 5, and September 10.	Prussia	Amity and commerce	899
1787.	January	Morocco	Amity and commerce	724
1788.	November 14	France	Consuls	316

II. *President Washington's Administration: March* 4, 1789 *to March* 4, 1797.

1794.	November 19	Great Britain	Peace, amity, commerce, navigation, boundary, claims, and extradition.	379
	November 19	Great Britain	(Additional article.) Suspending part of 12th article.	395
1795.	September 5	Algiers	Peace and amity	1
	October 27	Spain	Friendship, limits, and navigation	1006
1796.	May 4	Great Britain	Article explanatory of 3d article of treaty of 1794.	395
	November 4	Tripoli	Peace, friendship, and navigation	1081

III. *President John Adams's Administration: March* 4, 1797 *to March* 4, 1801.

1797.	August	Tunis	Peace, friendship, and navigation	1090
1798.	March 15	Great Britain	Article explanatory of 5th article of treaty of 1794.	396
1799.	July 11	Prussia	Amity and commerce	907
1800.	September 30	France	Peace, commerce, navigation, and fisheries.	322

IV. *President Jefferson's Administration: March* 4, 1801 *to March* 4, 1809.

1802.	January 8	Great Britain	Additional convention to treaty of 1794	398
	August 11	Spain	Indemnity	1015
1803.	April 30	France	Cession of Louisiana	331
	April 30	France	Payment of 60,000,000 francs by the United States.	334
	April 30	France	Claims against France to be paid	335
1805.	June 4	Tripoli	Peace, friendship, navigation, and prisoners.	1084

V. *President Madison's Administration: March* 4, 1809 *to March* 4, 1817.

1814.	December 24	Great Britain	Peace, boundary, and slave-trade	399
1815.	July 3	Great Britain	Commerce, duties, and consuls	410
	June 30, July 6	Algiers	Peace and amity	6
	November 24	Great Britain	Declaration relative to St. Helena, as residence of Bonaparte.	413
1816.	September 4	Sweden and Norway	Amity and commerce	1053
	December 22, 23	Algiers	Peace and amity	10

VI. *President Monroe's Administration: March 4, 1817 to March 4, 1825.*

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1817.	April 28	Great Britain	Arrangement for armed vessels on the Lakes	413
	November 24	Great Britain	Decision of Commissioners respecting boundary.	405
1818.	October 20	Great Britain	Fisheries, boundary, and slaves	415
1819.	February 22	Spain	Peace, cession of Florida, limits, claims, and commerce.	1016
1822.	June 18	Great Britain	Decision of Commissioners respecting boundary.	407
1822.	June 24	France	Duties and consuls	343
	June 24	France	Duties to be refunded	345
	June 30, July 12	Great Britain	Differences referred to Emperor of Russia.	418
1824.	February 24	Tunis	Altered articles of peace, friendship, and navigation.	1096
	April 5, 17	Russia	Navigation, fishing, and trading in Pacific Ocean.	931
	October 3	Colombia	Friendship, commerce, and navigation	186

VII. *President J. Q. Adams's Administration: March 4, 1825 to March 4, 1829.*

1825.	December 5	Central America	Commerce and navigation	121
1826.	April 26	Denmark	Friendship, commerce, and navigation	231
	November 13	Great Britain	Indemnity under treaty of Ghent	424
1827.	July 4	Sweden and Norway	Commerce and navigation	1058
	July 4	Sweden and Norway	Not to affect the trade with Finland—separate article.	1065
	August 6	Great Britain	Boundary	426
	August 6	Great Britain	Renewal of commercial conventions	428
	September 29	Great Britain	Boundary; differences to be referred to an arbiter.	429
	December 20	Hanseatic Republics	Friendship, commerce, and navigation	533
1828.	January 12	Mexico	Boundary	661
	May 1	Prussia	Commerce and navigation	916
	June 4	Hanseatic Republics	Deserters	537
	December 12	Brazil	Friendship, commerce, and navigation	105

VIII. *President Jackson's Administration: March 4, 1829 to March 4, 1837.*

1829.	August 27	Austria	Commerce and navigation	23
1830.	March 28	Denmark	Indemnity, claims	235
	May 7	Ottoman Porte	Friendship and commerce	798
1831.	April 5	Mexico	Boundary; additional article to treaty of 1828	663
	April 5	Mexico	Amity, commerce, and navigation	664
	April 5	Mexico	Amity, commerce, and navigation; additional article to treaty of 1831.	674
	July 4	France	Claims; duties on wines and cottons	345
1832.	May 16	Chili	Friendship, commerce, and navigation	131
	October 14	Two Sicilies	Indemnity	1100
	December 6-18	Russia	Commerce and navigation	933
	December 6-18	Russia	Certain stipulations with other powers not to be invoked; separate article.	937
1833.	March 20	Siam	Amity and commerce	992
	September 1	Chili	Explanatory of treaty of 1832	140
	September 21	Muscat	Amity and commerce	744
1834.	February 17	Spain	Indemnity	1023
1835.	April 3	Mexico	Boundary; second additional article to treaty of 1828.	675
	December 26	Two Sicilies	Claims; provision for the payment of the awards under the convention of October 14, 1832.	1101
1836.	January 20	Venezuela	Friendship, commerce, and navigation	1119
	September 16	Morocco	Amity and commerce	729
	November 30	Peru-Bolivia	Friendship, commerce, and navigation	840

IX. *President Van Buren's Administration: March 4, 1837 to March 4, 1841.*

1837.	December 10-22	Greece	Commerce and navigation	502
1838.	April 11	Texas	Indemnity for brigs "Pocket" and "Durango."	1078
	April 25	Texas	Boundary	1079
	November 26	Sardinia	Commerce and navigation	974
	November 26	Sardinia	Differential duties in certain cases	980
1839.	January 19	Netherlands	Commerce and navigation	761
	April 11	Mexico	Claims	676
	June 13	Ecuador	Friendship, navigation, and commerce	255
1840.	May 20	Hanover	Commerce and navigation	518
	August 26	Portugal	Commerce and navigation	891

X. *President Harrison's Administration: March 4, 1841 to April 4, 1841.*

1841.	March 17	Peru	Claims	850

XI. *President Tyler's Administration: April 4, 1841 to March 4, 1845.*

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1842.	August 9	Great Britain	Boundary, slave-trade, and extradition	432
1843.	January 30	Mexico	Claims; payment of awards to claimants	680
	November 9	France	Extradition	348
1844.	March 26	Hesse, Grand Duchy of	Abolition of droit d'aubaine and taxes on emigration.	562
	April 10	Württemberg	Abolition of droit d'aubaine and taxes on emigration.	1144
	July 3	China	Peace, amity, and commerce	145
1845.	January 21	Bavaria	Abolition of droit d'aubaine and taxes on emigration.	45
	February 24	France	Extradition, (additional article to convention of November 9, 1843.)	349

XII. *President Polk's Administration: March 4, 1845 to March 4, 1849.*

	May 14	Saxony	Abolition of droit d'aubaine and taxes on emigration.	981
	November 10	Belgium	Commerce and navigation	52
	December 1	Two Sicilies	Commerce and navigation	1102
1846.	May 27	Nassau	Abolition of droit d'aubaine and taxes on emigration.	747
	June 10	Hanover	Commerce and navigation	523
	June 15	Great Britain	Boundary west of Rocky Mountains	438
	December 12	New Granada	Amity, commerce, and navigation	195
	December 12	New Granada	Defining national ships, additional article.	206
1847.	March 10	Oldenburg	Commerce and navigation (accession)	792
	May 18	Swiss Confederation	Abolition of droit d'aubaine and taxes on emigration.	1071
	December 9	Mecklenburg-Schwerin	Commerce and navigation (accession)	653
1848.	February 2	Mexico	Peace, friendship, limits, and claims	681
	May 8	Austria	Disposal of property, consuls	27
	May 26	Mexico	Peace, friendship, limits, and claims. Explanatory protocol.	692
1849.	January 27	Brazil	Claims	115
	March 3	Guatemala	Amity, commerce, and navigation	508

XIII. *President Taylor's Administration: March 4, 1849 to July 9, 1850.*

	December 20	Hawaiian Islands	Commerce, navigation, and extradition	540
1850.	January 2	San Salvador	Amity, navigation, and commerce	945
	April 19	Great Britain	Ship-canal from the Atlantic to the Pacific	440
	May 4	New Granada	Consuls	206
	June 23	Borneo	Peace and amity; consular jurisdiction	102

XIV. *President Fillmore's Administration: July 9, 1850 to March 4, 1853.*

	November 25	Swiss Confederation	Friendship, commerce, and extradition	1072
	December 9	Great Britain	Cession of Horseshoe Reef	443
1851.	February 26	Portugal	Certain claims to be referred to an arbiter	894
	July 10	Costa Rica	Amity, commerce, and navigation	226
	July 26	Peru	Friendship, commerce, and navigation	852
1852.	April 30	Hanseatic Republics	Consuls	538
	June 16	Prussia and other states	Extradition	921
	August 26	Netherlands	Duties	763
1853.	February 8	Great Britain	Claims	445
	February 23	France	Consuls	350

XV. *President Pierce's Administration: March 4, 1853 to March 4, 1857.*

	July 10	Argentine Confederation	Free navigation of rivers Paraná and Uruguay.	16
	July 27	Argentine Confederation	Friendship, commerce, and navigation	18
	September 6	Bremen	Extradition (accession)	118
	September 12	Bavaria	Extradition	47
	October 13	Würtemberg	Extradition (accession)	1145
	November 26	Mecklenburg-Schwerin	Extradition (accession)	658
	December 2	Mecklenburg-Strelitz	Extradition (accession)	660
	December 30	Oldenburg	Extradition (accession)	793
	December 30	Mexico	Boundary, road across Tehuantepec	691
1854.	March 31	Japan	Peace and amity; opening of ports of Simoda and Hakodado.	597
	June 5	Great Britain	Reciprocity of trade and fisheries with British possessions in North America.	448
	June 7	Schaumburg-Lippe	Extradition (accession)	983
	July 11	Lew Chew	Friendship and commerce	620
	July 17	Great Britain	Claims	453
	July 22	Russia	Rights of neutrals at sea	938
	August 21	Brunswick and Luneburg	Disposal of property	119
1855.	January 13	Two Sicilies	Rights of neutrals at sea	1107
	January 18	Hanover	Extradition	528
	January 22	Netherlands	American consuls in Dutch colonies	765
	October 1	Two Sicilies	Commerce, navigation, and extradition	1109

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1856.	May 29	Siam	Amity and commerce	995
	July 3	Austria	Extradition	29
	July 22	Peru	Rights of neutrals at sea	864
	December 13	Persia	Friendship and commerce	836
1857.	January 30	Baden	Extradition	41

XVI. *President Buchanan's Administration: March 4, 1857 to March 4, 1861.*

	April 11	Denmark	Sound and Belt dues	238
	June 17	Japan	Commercial intercourse; coin and consuls.	599
	July 4	Peru	Privileges of whaling ships	866
	September 10	New Granada	Claims	210
1858.	February 10	France	Extradition (additional article)	354
	May 13	Bolivia	Friendship, commerce, and navigation	90
	June 18	China	Peace, amity, and commerce	159
	July 17	Belgium	Commerce and navigation	56
	July 29	Japan	Amity and commerce	601
	November 8	China	Regulation of trade	169
	November 8	China	Claims	178
	November 10	Chili	Arbitration of Macedonian claims	142
1859.	January 14	Venezuela	Aves Island claims	1129
	February 4	Paraguay	Claim, United States and Paraguay Navigation Company.	828
	February 4	Paraguay	Friendship, commerce, and navigation	830
1860.	March 21	Sweden and Norway	Extradition	1066
	July 2	Costa Rica	Claims	227
	August 27	Venezuela	Commerce, navigation, and extradition	1130

XVII. *President Lincoln's Administration: March 4, 1861 to April 15, 1865.*

1861.	July 11	Denmark	Deserters	240
	November 6	Hanover	Abolition of Stade or Brunshausen dues	530
	December 11	Mexico	Extradition	698
1862.	February 25	Ottoman Empire	Commerce and navigation	800
	April 7	Great Britain	Suppression of slave-trade	454
	October 21	Liberia	Commerce and navigation	631
	November 25	Ecuador	Claims	265
	December 20	Peru	Claims growing out of the capture of the "Lizzie Thompson" and "Georgianna."	868
1863.	January 12	Peru	Claims	870
	February 17	Great Britain	Suppression of slave-trade	466
	May 20	Belgium	Import duties and capitalization of Scheldt dues.	90
	July 1	Great Britain	Claims of Hudson's Bay and Puget Sound Agricultural Companies.	467
	July 20	Belgium	Extinguishment of Scheldt dues	62
1864.	January 28	Japan	Reduction of duties	610
	February 10	Colombia	Claims	213
	July 4	Honduras	Friendship, commerce, and navigation	566
	August 22	International	Amelioration of the condition of the wounded in the field and in the naval forces (accession)	1150
	October 22	Japan	Indemnity	611
	November 3	Hayti	Commerce, navigation, and extradition	551

XVIII. *President Johnson's Administration: April 15, 1865 to March 4, 1869.*

1865.	May 31	Morocco	Light-house at Cape Spartel	730
1866.	April 25	Venezuela	Claims	1144
	June 25	Japan	Duties	612
1867.	February 8	Dominican Republic	Amity, commerce, navigation, extradition.	244
	February 14	Madagascar	Commerce and navigation	638
	March 30	Russia	Cession of Russian possessions in North America to the United States.	939
	June 21	Nicaragua	Friendship, commerce, and navigation	779
	December 17–31	Siam	Modification of the treaty of May 29, 1856	1002
1868.	January 27	Russia	Trade-marks	942
	February 8	Italy	Consuls	573
	February 22	North German Union	Naturalization	709
	March 23	Italy	Extradition	578
	May 26	Bavaria	Naturalization	49
	July 4	Mexico	Claims	709
	July 10	Mexico	Naturalization	704
	July 19	Baden	Naturalization	43
	July 27	Würtemberg	Naturalization and extradition	1146
	July 28	China	Amity, commerce, and navigation	179
	August 1	Hesse, Grand Duchy of	Naturalization	563
	November 16	Belgium	Naturalization	66
	December 4	Peru	Claims	872
	December 5	Belgium	Consuls	68
	December 20	Belgium	Trade-marks	72
1869.	January 21	Italy	Consuls	577
	January 21	Italy	Extradition	580

XIX. *President Grant's Administration: March 4, 1869 to March 4, 1877.*

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69.	April 16	France	Trade-marks	355
	May 26	Sweden and Norway	Naturalization	1068
	May 26	Sweden and Norway	Naturalization. Explanatory article	1069
	September 10	Great Britain	Claims of the Hudson's Bay and Puget Sound Agricultural Companies. Award.	469
70.	February 24	Great Britain	Boundary; approval of the maps prepared by the commissioners under Article 1 of the Treaty of June 15, 1846.	440
	May 13	Great Britain	Naturalization	470
	May 23	San Salvador	Extradition	935
	June 3	Great Britain	Slave-trade; mixed courts	472
	June 25	Nicaragua	Extradition	787
	July 11	Austro-Hungary	Consuls	31
	September 6	Peru	Friendship, commerce, and navigation	876
	September 12	Peru	Extradition	888
	September 20	Austro-Hungary	Naturalization	37
	December 6	San Salvador	Amity, commerce, and consuls	957
71.	February 11-12	Spain	Certain claims for wrongs in Cuba	1025
	February 23	Great Britain	Renunciation of naturalization	476
	February 26	Italy	Commerce and navigation	581
	April 19	Mexico	Claims. Extension of the duration of the Claims Commission.	705
	May 8	Great Britain	Claims, fisheries, navigation of the St. Lawrence, &c., American lumber on the river St. John, boundary.	478
	November 25	Austro-Hungary	Trade-marks	39
	December 11	German Empire	Consuls and trade-marks	363
	December 22	Orange Free State	Friendship, commerce, and extradition	704
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NOTES

UPON

THE FOREIGN TREATIES

OF

THE UNITED STATES;

WITH

SOME REFERENCES TO NEGOTIATIONS PRECEDING THEM;
TO THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL
CONSTRUCTION OF THEM; AND TO THE
CAUSES OF THE ABROGATION
OF SOME OF THEM.

3769 TR——77

The official publications respecting Foreign Relations are the following: 1. The Diplomatic Correspondence from 1776 to 1783, edited by Jared Sparks, and originally printed in Boston, in 1823, in twelve volumes. The citations in these Notes are from a reprint, in six volumes, in Washington, in 1857, the references to which are made thus: "D. C. 1776-'83."—2. The Diplomatic Correspondence from 1783 to 1789 was printed in Washington in 1837, in three volumes, and is thus referred to in the Notes: "D. C. 1783-'89."—3. The correspondence from 1789 to 1828, inclusive, is collected in six folio volumes, entitled "American State Papers, Class 1, Foreign Relations." These volumes are referred to as the Folio Edition of the Foreign Relations, and are cited thus: "F. R. F."—4. No collection of papers was made between 1828 and 1861. The references during this period are therefore made to the Congressional classification of the documents, thus: Senate Executive Document, 1st Session 30th Congress, "S. E. Doc., 1st Sess. 30th Cong.," &c.; House Reports, "H. R.;" House Miscellaneous, "H. M.," &c.—5. The correspondence which accompanied President Lincoln's and President Johnson's Annual Messages is contained in seventeen volumes, and is referred to thus: "D. C. 1866, part 1," (Diplomatic Correspondence, 1866, part 1.)—6. In 1869 no papers accompanied the President's Message. Since 1869 the papers with the Annual Message have been styled (as before 1861) "Foreign Relations," and are so referred to—(as F. R., 1870, &c.)—7. From 1861 to date other papers have also been sent to Congress from time to time, and are referred to in their order in the Congressional Series.

The Statutes at Large are cited "St. at L." The statutes of the United States, as revised and enacted pursuant to the act of June 20, 1874, are styled "Rev. Stat. U. S." The Revised Statutes relating to the District of Columbia, post-roads, public treaties, are referred to as "R. S. Pub. Tr." The Annals of Congress extend to the 2d session, 18th Congress, and are cited thus: "Annals 1st Sess. 10th Cong." The debates include the 2d Session, 18th Congress, and extend to the 2d Session of the 25th Congress, and are cited thus: "4 Debates, 2274." The Congressional Globe is cited thus: "Globe, 1st Sess. 30th Cong." The opinions of the Attorneys-General are cited thus: "1 Op. At.-Gen." The papers relating to the Treaty of Washington are referred to thus: "Pap. rel. Tr. W." They constitute the first four volumes of the House Executive Document 1, 3d Session 42d Congress, and also volumes 2, 3, 4, and 5 of the Foreign Relations for 1872.

In all cases where there is more than one volume in a series the number of the volume precedes the reference to the series, and the number of the page follows it, thus "4 F. R. F., 250," volume 4, folio edition of the Foreign Relations, page 250.

J. H. H.

NOTES.

INTRODUCTORY NOTE.[1]

The purpose of these Notes is expressed in their title. They will aim
o make such references to the negotiations which preceded the politi-
al treaties of the United States, as may be necessary to a comprehen-
on of the questions there determined. They will attempt to show
herein the action of the Executive, the Legislative, or the Judicial
epartment of the Government may have affected any treaty. They
ill endeavor to explain why and in what way some treaties have ceased
be operative. But except as official correspondence may refer to the
nofficial tentatives which may have preceded negotiations, or the un-
ficial influences which may have affected results, no notice will be here
ken of such tentatives or influences. With the exception of a few
ecessary cases, the references will be confined to official publications.
The various treaties of the United States bear the names of many of
e most eminent statesmen of the country. In succeeding generations,
ith more or less success, they have endeavored to imprint their ideas
on its public law. To find the origin of some of these ideas we must
en go behind the Declaration of Independence, to the time when the
oughts of an American nationality were first beginning to inspire the
tions of the leaders of the Continental Congress.

On the 29th of November, 1775, Congress appointed a "Committee of
ecret Correspondence," whose duty it would be to correspond with the
iends of the colonies in other parts of the world. On the 3d of March,
76, this committee instructed Silas Deane to proceed to France, to
ter into communication with M. de Vergennes, and to ascertain, if
ossible, "whether, if the colonies should be forced to form themselves
to an independent State, France would * * enter into any treaty
alliance with them for commerce or defence, or both." These instruc-
ons were signed by Dr. Franklin, Benjamin Harrison, John Dickinson,
obert Morris, and John Jay;[2] and the practical wisdom of the signers
displayed in the first instruction they contain: "When you come to
aris * * you will be introduced to a set of acquaintance, all friends
the Americans; by conversing with them you will have a good op-
rtunity of acquiring Parisian French."[3]

On the 17th day of the following September, nearly two years prior
the adoption of the Articles of Confederation, "Congress took into
nsideration the plan of treaties to be proposed to foreign nations, with
e amendments agreed to by the Committee of the Whole;"[4] and there-
on adopted a plan of treaty to be proposed to His Most Christian
ajesty the French King, which will be found in the Secret Journal.[5]

[1] The Notes of J. C. Bancroft Davis have been retained in this publication and the
ditional notes have been placed in brackets in order to distinguish them. [2] D.
1776-83, 5. [3] Ib. [4] 2 Secret Journals of Congress, 6. [5] Ib., 7-25.

This remarkable state paper contains the germ (often expressed in the identical language) of many of the provisions of subsequent treaties of the United States.[1]

In one respect it was many years in advance of provisions actually incorporated into any Treaty. Its first and second articles stipulate that the citizens of each country in the ports of the other should pay no other duties or imports than the natives were required to pay, and should enjoy the same privileges, immunities, and exemptions in trade navigation, and commerce which natives enjoyed; and the twelfth article contemplated a similar reciprocal agreement in respect of some ex ports. It was not until after the peace of 1814 that this principle of reciprocity was incorporated into a Treaty of the United States.

The Commissioners who were originally selected by the Continental Congress to conclude Treaties with the European Powers, were Dr. Franklin, Silas Deane, and Thomas Jefferson.[2] Jefferson having declined, Arthur Lee was elected in his place.[3]

On the 6th of February, 1778, these Commissioners concluded a Treaty of Alliance and a Treaty of Amity and Commerce with the King of France. These important acts were followed by the conclusion of Treaties of Amity and Commerce with the Netherlands, in 1782; and with Sweden, in 1783; of the Treaty of Peace with Great Britain, in 1783, (to which the names of Adams, Franklin, and Jay were attached under a special power;) of a Treaty of Amity and Commerce with Prussia, in 1785; of a Treaty of Peace and Friendship with Morocco, in 1787; and of a Consular Convention with France, in 1788.

In regulating the commercial and political relations between the United States and other Powers, these several Treaties secured the recognition of the Independence of the United States, and also the assent of other Powers to many important principles, some of which were not then universally recognized as constituting part of the public law which should govern the intercourse of nations with each other. It is not difficult to recognize, in these provisions, the impress of the statesmanlike intelligence and humane and elevated characters of the members of the Continental Congress, and of the American Plenipotentiaries who negotiated the several Treaties.

The evils of war were lessened by agreements that, in case it should break out, time should be given to the citizens of each in the territory of the other to close their business and remove their properties;[4] and that, should differences arise, resort should not be had to force until friendly application should be made for an arrangement.[5]

A restraint was imposed upon private war by provisions forbidding the citizens of either Power to accept commissions or letters of marque from enemies of the other Power when at war;[6] and the acceptance of such commissions or letters was declared to be an act of piracy, which placed the offender beyond the claim of national protection.

[1] See Art. 6, concerning the Treatment of Pirates; 14, respecting the abolition of the Droit d'Aubaine; 16, respecting the treatment of vessels having contraband of war on board; 19, concerning the restoration of property captured from pirates; 20, concerning prizes; 21 and 22, respecting asylum for wrecked vessels and persons; 23, respecting the protection of citizens of each in the territory of the other on the breaking out of war; 24, respecting letters of marque; 25, respecting the preservation of the neutrality of ports; 26, respecting the freedom of neutrals to trade with the enemy, and the right of neutral vessels to carry enemy's goods; 27, defining contraband of war; 28, respecting the papers that neutral vessels must carry in time of war; 30, respecting the mode of visiting neutral ships on the high seas in time of war. [2] 2 Secret Journals of Congress, 31. [3] Ib., 35. [4] France, 1778, Art. 20; Netherlands, 1782, Art. 12; Sweden, 1783, Art. 22; Prussia, 1785, Art. 23. [5] Morocco, 1787, Art. 24. [6] France, 1778, Art. 21; Netherlands, 1782, Art. 19; Sweden, 1783, Art. 23; Prussia, 1785, Art. 20.

The rights of neutrals to maintain and carry on their commerce and trade on the high seas during time of war were fully recognized.[1] For this purpose articles which were to be held to be contraband of war were expressly defined and limited;[2] and in the Treaty of 1785 with Prussia, which bears the signatures of John Adams, Dr. Franklin, and Jefferson, it was even agreed that no articles should be deemed contraband, so as to induce confiscation, or condemnation, and a loss of property to individuals.[3] It was further agreed that Free ships should make free goods;[4] and that neutral goods found in an enemy's ship should not be confiscated if they had been put on board before the declaration of war, or within such short period thereafter that an ignorance of the state of war might fairly be implied.[5]

Precise rules were laid down to be observed in the visit of neutral vessels on the high seas,[6] and humane regulations were made respecting vessels on which articles contraband of war should be discovered.[7]

"To prevent the destruction of prisoners of war by sending them into distant and inclement countries or by crowding them into close and noxious places," regulations were made for their treatment;[8] and it was agreed that women and children, scholars, and cultivators, "all others whose occupations are for the common subsistence and benefit of mankind," should be allowed to continue their respective employments in time of war; that merchant and trading vessels employed in rendering the necessaries of human life more easy to be obtained, should be allowed to pass unmolested in such time; and that no commissions should be granted to private armed vessels.[9]

The power of the new nation whose existence had been recognized by these Treaties, to regulate and control its commercial relations with foreign Powers was uniformly asserted in this series of Treaties. They placed each of the other Powers, in respect of commerce and navigation within each and every State, on the footing of the most favored nation;[10] and it was agreed with Prussia that the ports of each Power should be open to the other; and that the duties, charges, and fees, to be imposed by each upon articles the growth, produce, or manufacture of the other, should be only such as should be paid by the most favored nation.[11]

In the articles affecting the relations between the United States and the several States, these early Treaties asserted the nationality of the United States in a no less marked manner.

They prohibited the exaction in any State of the Droit d'Aubaine or other similar duty.[12] They allowed aliens to hold personal property and to dispose of it by testament, donation, or otherwise, and to succeed to it, and they prohibited the exaction in such case by any State of dues, except such as the inhabitants of the country were subject to.[13] They allowed aliens, without obtaining letters of naturalization, to inherit real estate and things immovable in every State,[14] but in such case the

[1] France, 1778, Art. 23; Sweden, 1783, Art. 7; Prussia, 1785, Art. 12. [2] France, 1778, Art. 24; Netherlands, 1782, Art. 24; Sweden, 1783, Art's 9 and 10. [3] Art. 13. [4] France, 1778, Art. 23; Netherlands, 1782, Art. 11; Sweden, 1783, Art. 7; Prussia, 1785, Art. 12. [5] France, 1778, Art. 14; Netherlands, 1782, Art. 12; Sweden, 1783, Art. 14. [6] France, 1778, Art's 12, 25, and 27; Netherlands, Art's 10, 20, 25, and 26; Sweden, Art's 11, 12, 14, and 25; Prussia, Art's 14 and 15. [7] France, 1778, Art. 13; Netherlands, 1782, Art. 13; Sweden, 1783, Art. 13; Prussia, 1785, Art. 13. [8] Prussia, 1785, Art. 24. [9] Ib., Art. 23. [10] France, 1778, Art's 2 and 3; Netherlands, 1782, Art's 2 and 3; Sweden, 1783, Art's 2, 3, and 4; Prussia, 1785, Art's 2 and 3. [11] Art. 4. [12] France, 1778, Art. 11. France, 1778, Art. 11; Netherlands, 1782, Art. 6; Sweden, 1783, Art. 6; Prussia, 1785, Art. 10. [14] France, 1778, Art. 11; Netherlands, 1782, Art. 6; Sweden, 1783, Art. 6; Prussia, 1785, Art. 10.

Prussian alien was required to sell the real estate and withdraw the proceeds, which he was to be permitted to do without molestation;[1] and in case of withdrawal no droit de détraction was to be exacted.[2]

The right to aliens to frequent the coasts and countries of each and all the several States, and to reside there and to trade in all sorts of produce, manufactures, and merchandise was granted by the national government;[3] and the States were prohibited from imposing upon such aliens any duties or charges to which the citizens of the most favored nation were not made subject.[4] Resident aliens were also assured against State legislation to prevent the exercise of an entire and perfect liberty of conscience, and the performance of religious worship; and, when dying, they were guaranteed the right of decent burial, and undisturbed rest for their bodies.[5]

The Consular Convention concluded with France by Jefferson maintained a yet wider supremacy for the national authority. It authorized French Consuls to administer, in certain cases, upon the estates of their deceased countrymen in the several States; to exercise police over all the vessels of their nation in whatever American port they might discharge their functions; to arrest the officers or crews of such vessels; to require the Courts to aid them in the arrest of deserters; and it even elevated them into judges, and authorized them to determine all differences and disputes arising between their countrymen in the United States.[6]

The same statesmen contemplated at one time a postal convention between France and the United States. A scheme was submitted by the French Minister;[7] after considering which Jay submitted a counter proposal.[8] But nothing further appears to have been done. Had the scheme been carried out it would have anticipated by half a century the modern international postal conventions of the United States.

The several Treaties and Conventions, thus negotiated, have served as the basis or model of many of the commercial and general conventions entered into by the United States since the adoption of the Constitution.

The Treaty negotiated in London, in 1794, during the administration of President Washington, and commonly known as Jay's Treaty, contained several new features, some of which have since been adopted in other Treaties.

This Treaty, the first concluded with a Foreign Power under the new form of government, recognized the right of the United States, which had been inserted in the Treaties concluded under the old form of government, to authorize aliens to hold and dispose of real estate in the several States.[9] It aimed to establish, as far as the British monopoly of that day would permit, reciprocity in trade on the American continent; and it declared that by reciprocity it was "intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood."[10] It made reciprocal provisions for the equalization of import and export duties.[11] It provided a mode for settling by arbitration differences which had arisen between the two powers;[12] and it also declared that it was "unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective government, should ever be destroyed or im-

[1] Art. 10. [2] France, 1778, Art. 11; Sweden, 1783, Art. 6; Prussia, 1785, Art. 10. [3] Prussia, 1785, Art. 2. [4] France, 1778, Art. 3; Netherlands, 1782, Art. 2; Sweden, 1783, Art. 3; Prussia, 1785 Art. 2. [5] Netherlands, 1782, Art. 4; Sweden, 1783, Art. 5; Prussia, 1785, Art. 11. [6] France, 1788, Art's 5, 8, 9, and 12. [7] 1 D. C. 1783–'89, 185. [8] Ib., 201. [9] Great Britain 1794, Art. 9. [10] Art. 3. [11] Art. 15. [12] Art. 7.

paired by national authority on account of national differences;" and t, therefore, provided that there should be no confiscation or sequestration of debts, in event of war between the parties.[1] By it the parties agreed that an innocent neutral vessel, approaching a blockaded port, without knowledge of the blockade, should be warned and turned away without detention, and without confiscation of the vessel, or of the cargo unless contraband.[2] It required each party to bring to the notice of the other any causes of complaint it might have before proceeding to the extremities of reprizals or of war;[3] and it made provisions to a limited extent, for the extradition of persons charged with the commission of crimes.[4]

The Treaty of 1795, concluded with Spain during the same administration, provided that the vessels or effects of citizens of either Power should not be embargoed or detained by the other for any purpose; that the courts of justice should be open alike to citizens of each Power; that seizures of the persons of citizens of one Power by the authorities of the other, within its jurisdiction, were to be made and prosecuted under the ordinary forms of law, and that the persons so arrested were to have the right to employ such advocates or attorneys as they pleased, who were to have the right of access to them, and of being present at all examinations and trials,[5] all of which engagements have since been entered into with other Powers.

During the administration of the elder Adams two Treaties of note were made. The first, concluded with Prussia, in 1799, extended the principal provisions in the Treaty of 1785 with that Power, but, in doing it, several features of the early Treaty disappeared. The second was the Treaty concluded with France in 1800, which put an end to a state of quasi war between France and the United States.

The construction put by President Washington on the agreement of guaranty contained in the 11th article of the Treaty of 1778 with France, together with the conclusion of the Treaty of 1794 with England, had affected the relations of the two countries to such a degree that, in 1798, Congress had, by law, assumed to exonerate the nation from further obligation to observe the Treaties with France; and the Attorney-General had given an official opinion that there was a state of war.[6] The Treaty of 1800 restored the good relations: but in the amendments on each side the old Treaties entirely disappeared. The subject will be further considered hereafter. This Treaty, although concluded during the administration of President Adams, was finally proclaimed by Jefferson after he became President.

By far the most important Treaty, in its results, concluded during the administration of President Jefferson, was the Treaty of 1803 with France, whereby Louisiana was annexed to the United States. This was the first Treaty which extended the territorial dominion of the United States, and which provided for the admission of aliens "to the enjoyments of all the rights, advantages, and the immunities of citizens of the United States."[7]

The subject of the Slave-Trade first appears in the Treaty of Peace with Great Britain, concluded in 1814, at Ghent, during the administration of President Madison. It was declared there that "the traffic in slaves is irreconcilable with the principles of humanity and justice."[8] John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin subscribed this declaration on the part of the United States.

[1] Art. 10. [2] Art. 18. [3] Art. 22. [4] Art. 27. [5] Art. 7. [6] 1 Op. At.-Gen., 701, Wirt. [7] Art. 3. [8] Art. 10.

At the close of the wars of Napoleon, the Treaty of 1795 with Spain alone, of all of the commercial Treaties, survived. President Madison contemplated using the opportunity to mould all the Treaties of this nature into a general system. Mr. Monroe, in an early stage of negotiations with Holland, for this purpose, informed the Dutch Minister at Washington that "the Treaties between the United States and some of the Powers of Europe having been annulled by causes proceeding from the state of Europe for some time past, and other Treaties having expired, the United States have now to form their system of commercial intercourse with every Power, as it were, at the same time."[1] But the only general commercial Treaties which Monroe succeeded in concluding, either as Secretary of State under President Madison, or as President with John Quincy Adams as Secretary of State, were the Treaty of 1815 with Great Britain, the limited arrangements made with France in 1822, and the Treaty with Colombia in 1824.

In that Treaty with Great Britain, it was for the first time agreed that no higher or other duties or charges should be imposed in any of the ports of the United States on vessels of another Power than those payable in the same ports by vessels of the United States; that the same duties should be paid on the importation into the United States of any articles the growth, produce, or manufacture of a foreign Power, whether such importation should be made in vessels of the United States or in vessels of that Power, and that in all cases where drawbacks were or might be allowed upon the re-exportation of any goods the growth, produce, or manufacture of either country respectively, the amount of the drawback should be the same, whether the goods should have been imported in American vessels or in vessels of the Foreign Power.[2] How frequently these principles have since been recognized in Treaties of the United States, an examination of the Index following these Notes will show.

The Convention with Colombia was the first of a long series of Treaties of Amity and Commerce with the several American States, of Spanish or Portuguese origin. It contained, in addition to most of the liberal provisions already noted, an agreement which has since been incorporated into many other Treaties, that infractions of the Treaty by citizens of either party should not interrupt the harmony and good correspondence between the two nations.

The most important Treaty made during the administration of President Monroe was the Treaty for the acquisition of Florida, concluded with Spain in 1819. Another important Convention was concluded in 1818, in London, by Mr. Gallatin and Mr. Rush, for the purpose, among other things, of settling the disputes which had arisen after the Treaty of Ghent, respecting the fisheries. In this the United States "renounced forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's Dominions in America not included in the above-mentioned limits," that is, the limits described in the Treaty.[3] We have the authority of Rush for the assertion that this renunciation was inserted by the American Plenipotentiaries. "The British Plenipotentiaries," he says, "did not desire it."[4]

During the administration of John Quincy Adams several Treaties were concluded, in which broader views in commercial matters began to prevail. It was agreed that whatever kind of produce, manufacture, or merchandise of any foreign country could be from time to time lawfully

[1] Monroe to Changuion, April 12, 1815. MS. Dept. of State. [2] Art. 2. [3] Art. 1. [4] Doc., Special Session, 1871, Executive, A. 48.

imported into the United States in their own vessels might also be imported in vessels of the other power.[1] These Treaties were subscribed by Henry Clay, Secretary of State of the United States, and the provisions have often since been repeated in Conventions with other Powers. The expanding commerce of the United States induced the revival at this time of some of the powers respecting national vessels in foreign ports, and respecting disputes between the officers and crews of such vessels, and concerning deserters, which had been conferred upon Consuls by Jefferson's Convention with France in 1788.[2] These important provisions were now inserted in the Treaties of Commerce, and continued to be so until the revival of the practice of concluding exclusively Consular Conventions, which had lain dormant from the time of Jefferson's mission in Paris.

Many commercial Treaties were concluded during the administrations of President Jackson and President Van Buren, through which the principles, which had become part of the policy of the United States, were extended in every quarter of the globe. By the former administration also, long-pending differences with France were set at rest by a Convention signed July 4, 1831; and a Treaty was concluded with the Ottoman Porte, under which, for nearly forty years, it was not doubted that the citizens of the United States within the dominions of the Porte enjoyed certain rights of exterritoriality.[3] The doubts which have since arisen will be considered hereafter.

During the administration of President Tyler, Caleb Cushing as Plenipotentiary, negotiated a Treaty by which political relations were for the first time established between the United States and the Emperor of China.[4] In this Treaty, the rights of exterritoriality were stated in unmistakable terms. "Citizens of the United States who may commit any crime in China shall be subject to be tried and punished only by the Consul or other public functionary of the United States thereto authorized, according to the law of the United States."[5] "All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction and regulated by the authorities of their own Government."[6]

The same administration also brought to a close the long-pending disputes about the Northeastern Boundary,[7] and by the same Treaty made arrangements with Great Britain for the extradition of persons accused of crimes. With the exception of the clause in "Jay's Treaty," respecting murder and forgery, this is the first of a long series of Treaties for a similar purpose.

The first international postal arrangement also appears to have been concluded during this administration.[8] Henry Wheaton, the representative of the United States at Berlin, signed, during this administration Treaties with Hesse, Würtemberg, and Bavaria, abolishing the Droit d'Aubaine and taxes on emigration.

President Polk carried out with assiduity the policy of the nation by extending the number of its Treaties for the regulation of commerce and navigation, for the abolition of unjust taxes, and for the regulation of international postal relations, and he added to the national domain by the Treaty of Peace with Mexico,[9] and concluded a treaty with Great Britain, which was intended on the part of the United States to be a final settlement of the disputed Northwestern Boundary.[10] He also caused the United States to enter into a Treaty with New Granada,

[1] Central America, 1825, Art. 4; Denmark, 1826, Art. 3; Hanseatic Republics, 1827, Art. 1; Prussia, 1828, Art. 3. [2] Prussia, 1828, Art's 10 and 11. [3] Ottoman Porte, 1830, Art. 4. [4] China, 1844. [5] Art. 21. [6] Art. 25. [7] Great Britain, 1842. [8] New Granada, 1844. [9] Mexico, 1848. [10] Great Britain, 1846.

whereby they agree to "guarantee positively and efficaciously to New Granada * * * the perfect neutrality of the before-mentioned Isthmus" (Panama) * * * and "the rights of sovereignty and property which New Granada has and possesses over the said territory,"[1] the first international obligation of this nature incurred since 1778.

During President Taylor's short administration several Treaties of commerce were entered into with other Powers. The Secretary of State (acting as the Plenipotentiary of the United States) signed a Treaty with Great Britain (commonly known as the Clayton-Bulwer Treaty) in which the United States agree not to obtain any exclusive control over the ship-canal which it was then supposed would soon be constructed through the territories of Nicaragua; not to erect or maintain any fortifications commanding the same, or in the vicinity thereof; and not to occupy or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America.[2] An engagement of this nature was a new one in the history of the United States, and has not since been imitated. Clayton also signed the first Consular Convention which had been entered into since Jefferson's Convention of 1788. It contained a provision that in everything not specially provided for by the Treaty, the persons and dwellings of the Consuls were to be subject to the laws of the land in which they reside. This provision has not found favor with subsequent negotiators.

The administration of President Fillmore furnished a form of a Consular Convention which has been adopted as the basis of all subsequent conventions of that nature.[3] Its defects are noticed hereafter. It bore the signature of Edward Everett, then Secretary of State.

The Crimean war, which took place during the administration of President Pierce, left its mark on the Treaties of the United States in agreements with Russia,[4] the Two Sicilies,[5] and Peru,[6] respecting the rights of neutrals at sea. Treaties of Commerce, Consular Conventions, and Extradition Treaties were negotiated and concluded with various powers under the direction of Wm. L. Marcy, as Secretary of State; a Treaty was concluded for reciprocal trade with Canada, and for the enjoyment of the Canadian Fisheries;[7] diplomatic intercourse was opened with Japan;[8] and Arizona was acquired by Treaty with Mexico.[9]

President Buchanan released the commerce of the United States from the Danish dues at the Sound and Belts,[10] made wider and broader the friendly relations with Japan,[11] and he added to the number of the Treaties for the regulation respectively of commerce, of extradition, and of international postage.

William H. Seward was the Secretary of State during the administrations of President Lincoln and of President Johnson. Under his direction of the Department of State, the Treaties of Commerce, and the Consular and Extradition Conventions were widely extended. The commerce of the United States was relieved from the Brünshausen dues,[12] the navigation of the Dardanelles and of the Bosphorus was regulated,[13] and the Scheldt dues were extinguished.[14] A Treaty was entered into for the suppression of the African Slave-Trade, in which, for the first time since the adoption of the Constitution, it was agreed that an alien might sit as a judge in a court holding its sessions within the territories of the United States.[15] Several Treaties were made securing the recognition of the right of expatriation and naturalization,[16] and

[1] New Granada, 1846, Art. 35. [2] Great Britain, 1850, Art. 1. [3] France, 1853. [4] 1854. [5] 1855. [6] 1856. [7] Great Britain, 1854. [8] Japan, 1854. [9] Mexico, 1853. [10] Denmark, 1857. [11] Japan, 1857. [12] Hanover, 1861. [13] Ottoman Porte, 1862. [14] Belgium, 1863. [15] Great Britain, 1862. [16] North Germany, 1868; Bavaria, 1868; Mexico, 1868; Württemberg, 1868; Hesse, 1868.

the protection of Trade-Marks was also made the subject of a Treaty.[1] The relations with China, too, were essentially modified.[2]

During the administration of President Grant the Department of State, under the direction of Hamilton Fish, carried out the previous policy of the United States in new Treaties for regulating the commerce of the country, for the extradition of criminals, for the naturalization of aliens, for the protection of trade-marks, for defining the powers and jurisdiction of Consuls, and for the protection of citizens in Foreign countries. The Treaty which has become known as the Treaty of Washington was signed in that city on the 8th day of May, 1871, by Mr. Fish, Mr. Justice Nelson, Robert C. Schenck, E. R. Hoar, and George H. Williams, as High Commissioners on the part of the United States, and by Earl de Grey and Ripon, Sir Stafford Northcote, Sir Edward Thornton, Sir John A. McDonald, and Montague Bernard, as High Commissioners on the part of Great Britain. It provides for the adjustment of outstanding differences with Great Britain, which were many and grave, by a series of arbitrations. The success, in the midst of great difficulties, which has attended the conduct of these international trials, may lead even persons who are not optimists, to hope that a way may be found for the peaceful solution of many sorts of international differences, which have hitherto been left to be solved by the sword.

The policy of the United States is well established, to settle national disputes and individual claims by arbitration when possible. It has been embodied in numerous claims conventions in addition to those already alluded to. When the bill for the payment of the overdue instalments on the French Convention of 1831 was introduced into the Chamber of Peers, the Baron de Barante said: "Les États-Unis sont dans une autre situation. * * Lorsqu'on viole à leur égard les règles de la neutralité, ils ne font pas la guerre; * * Faire rendre justice à leurs citoyens est donc un de leurs premiers devoirs; et, en cela, ils sont plus à imiter qu'à blâmer. De sorte que, sans éclater en hostilités, ils se plaignent, produisent patiemment leurs réclamations; et quand le jour arrive où l'on a besoin de leur bienveillance, où leur amitié pourrait être à rechercher, ils profitent de l'occasion, et font solder les créances privées, dont on consentait ou retardait paiement."[3]

Many of these Treaties have been the subject of consideration and construction by the Attorneys-General and the courts of the United States. The following are some of the main points of general construction which have been determined.

1. A Treaty, constitutionally concluded and ratified, abrogates all State laws inconsistent therewith. It is the supreme law of the land, subject only to the provisions of the constitution.[4]

[While, however, treaties are a part of the supreme law of the land, they are nevertheless to be viewed in two lights,—that is to say, in the light of politics and in the light of juridical law. The decision of political questions is preeminently the function of the political branch of

[1] Russia, 1868. [2] China, 1868. [3] S. E. Doc. 161, 1st sess., 24th Cong., 10. "The case is different with the United States. * * When the laws of neutrality are violated with respect to them they do not go to war. * * To cause justice to be rendered to their citizens is then one of their first duties, and in that they are more to be imitated than blamed. So that without beginning hostilities they protest, quietly present their claims, and, when the time arrives when their good-will is needed, or their friendship is sought, they profit by the occasion, and cause the settlement of the private claims the payment of which had been contested or deferred." [4] 6 Op. At.-Gen., 293, Cushing, and the cases cited by him: United States *v.* The Schooner Peggy, 1 Cranch, 103; Ware *v.* Hylton, 3 Dallas, 199; Gordon's Lessee *v.* Kerr, 1 Wash. C. C. R., 322; Lessee of Fisher *v.* Harnden, 1 Paine, C. C. R., 55; 8 Op. At.-Gen., 417, Cushing. [13 Op. At.-Gen., 354, Akerman.]

the government, of the Executive or of Congress, as the case may be; and when a political question is so determined, the courts follow that determination. Such was the decision of the Supreme Court in cases involving boundary and other questions, under the treaty of 1803 with France, of 1819 with Spain, and of 1848 with Mexico.[1]]

II. A Treaty is binding on the contracting parties, unless otherwise provided, from the day of its date.[2] The exchange of ratifications has, in such case, a retroactive effect, confirming the Treaty from its date. But a different rule prevails when the Treaty operates on individual rights. The principal of relation does not apply to rights of this character, which were vested before the Treaty was ratified; it is not considered as concluded until there is an exchange of ratifications.[3]

III. When a Treaty requires a series of legislative enactments to take place after exchange of ratifications before it can become operative, it will take effect as a national compact, on its being proclaimed, but it cannot become operative as to the particular engagements until all the requisite legislation has taken place.[4]

IV. Where a Treaty cannot be executed without the aid of an act of Congress, it is the duty of Congress to enact such laws. Congress has never failed to perform that duty.[5]

V. But when it can be executed without legislation, the courts will enforce its provisions.[6]

VI. Where a Treaty is executed in two languages, each the language of the respective contracting parties, each part of the Treaty is an original, and it must be assumed that each is intended to convey the same meaning as the other.[7]

VII. Treaties do not generally *ipso facto* become extinguished by war. Vested rights of property will not become divested in such case.[8]

VIII. The constitution of the United States confers absolutely on the government of the United States the power of making war and of making Treaties, from which it follows that that government possesses the power of acquiring territory either by conquest or by Treaty.[9]

IX. Such acquisition does not impair the rights of private property in the territory acquired.[10]

X. A Treaty of cession is a deed of the ceded territory by the Sovereign grantor, and the deed is to receive an equitable construction.[11] The obligation of the new power to protect the inhabitants in the enjoyment of their property is but the assertion of a principle of natural justice.[12]

[1] Doe et al. v. Braden, 16 Howard, 635; Foster v. Neilson, 2 Peters, 314; The Amiable Isabella, 6 Wheaton, 1; Grisar v. McDowell, 6 Wallace, 363; U. S. v. Yorba, 1 Id., 412; U. S. v. Pico, 23 How., 326; U. S. v. Lynde, 11 Wallace, 632; Meade v. U. S., 9 Id., 691; U. S. v. Reynes, 9 Howard, 127; Davis v. The Parish of Concordia, Id., 280; 5 Op. At.-Gen., 67, Toucey.] [2] Davis v. The Parish of Concordia, 9 Howard, 280; Lessee of Hylton v. Brown, 1 Wash. C. C. R., 343. [3] Haver v. Yaker, 9 Wallace, 32; The United States v. Arredondo, 6 Peters, 691. [4] 6 Op. At.-Gen., 750, Cushing. [5] Ib., 296, Cushing, and cases cited. [6] Foster *et al. v.* Neilson, 2 Peters, 314; United States *v.* Arredondo, 6 Peters. 735. [7] United States *v.* Arredondo *et al.*, 6 Peters, 710. [8] Society for the Propagation of the Gospel *v.* The Town of New Haven, 8 Wheaton, 464; Carneal *v.* Banks, 10 Wheaton, 182. [9] American Insurance Company *v.* 356 Bales of Cotton, Peters, 542. [10] United States *v.* Morano, 1 Wallace, 409. [11] United States *v.* Arredondo *et al.*, 6 Peters, 710. [12] Soulard *v.* The United States, 4 Peters, 511; Delanus *v.* The United States, 9 Peters, 117; Mitchell *v.* The United States, Ib., 711; Smith *v.* The United States, 10 Peters, 326. [U. S. *v.* Perchemon, 7 Peters, 86; Id. *v.* Kingsley 12 Id., 476; Id. *v.* Augnisola, 1 Wallace 352. Under the term "property" in this connection may be placed every species of title, legal or equitable, and rights which lie in contract, executory as well as executed. Bryan *v.* Kennett, 113 U. S., 179. It has been held that upon a conquest of territory, those of the inhabitants who adhere to their old allegiance and continue in the service of the vanquished sovereign, forfeit the right to be protected in their property, except so far as it may be secured by treaty. U. S. *v.* Repentigny, 5 Wallace, 211.]

XI. In an opinion on the legislation to carry into effect the Treaty of 1819 with Spain, Attorney-General Crittenden held that "An act of Congress is as much a supreme law of the land as a Treaty. They are placed on the same footing, and no superiority is to be given to the one over the other. The last expression of the law-giving power must prevail; and a subsequent act must prevail and have effect, though inconsistent with a prior act; so must an act of Congress have effect, though inconsistent with a prior treaty."[1]

XII. Interest, according to the usage of nations, is a necessary part of a just national indemnification.[2]

The Treaty Power under the Constitution has also been the subject of legislative discussion in Congress.

When the Treaty of 1794 with Great Britain was sent to that body, Edward Livingston, who was a member of the House, moved that the President be requested to transmit to the House a copy of the instructions to Mr. Jay, and of the correspondence and documents relative to the Treaty. This motion was resisted on the ground that the Treaty had become the supreme law, and the House had no constitutional jurisdiction over questions which were settled by it. The House, however, adopted the resolution, 61 ayes, 38 noes.[3] President Washington replied to this resolution thus: "Having been a member of the General Convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject, and from the first establishment of the Government to this moment, my conduct has exemplified that opinion, that the power of making treaties is exclusively vested in the President, by and with the advice and consent of two-thirds of the Senate, provided two-thirds of the Senators present concur, and that every treaty so made, and promulgated, thenceforward becomes the law of the land. * * * As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a Treaty; as the Treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request."[4]

The House thereupon, after a short debate, resolved "that it is not necessary to the propriety of any application from this House to the Executive for information desired by them, and which may relate to any constitutional functions of the House, that the purpose for which such information may be wanted, or to which it may be applied, should be stated in the application."[5]

About a fortnight later a resolution was introduced into the House that legislation ought to be made by law for carrying the Treaty into effect.[6] This gave rise to a long and animated debate, after which the resolution passed by a vote of 51 to 48.

The debates for carrying into effect the provisions of the Treaty for the cession of Louisiana[7] were conducted with less manifestation of feeling, and deserve examination in this connection. In 1816, the Senate passed an act to carry into effect the Commercial Convention of 1815

[1] 5 Op. At.-Gen., 345, Crittenden. But see opinions by Justice Chase, 3 Dallas, 236, and by Marshall, C. J., 1 Cranch, 109, each pronouncing the opinions of the Supreme Court. [2] 1 Op. At.-Gen., 28, Wirt; 5 Op. At.-Gen., 350, Crittenden; Geneva, Award, 4 Pap. rel. Tr. W., 53. [3] Annals 1st Sess. 4th Cong., 759. [4] Ib., 761–2. [5] Ib., 771–2. [6] Ib., 940. [7] Annals 1st Sess. 8th Congress.

with Great Britain. The substance of this Bill was that so much of any existing act as might be contrary to the provisions of the Convention should be deemed and taken to be of no effect.[1] The House, on its part, passed an act, in several sections, enacting seriatim the provisions of the Treaty. Each body refused to recede from its ground, the Senate claiming that the Treaty was operative of itself, and therefore that the act should be declaratory only, the House affirming that legislation was necessary to carry it into effect. A committee of conference, of which Rufus King was Chairman of the managers on the part of the Senate, and John Forsyth Chairman of the managers on the part of the House, agreed on a Bill which was then enacted.[2]

The principle upon which this adjustment was made was thus stated to the House by Forsyth: "Your committee understood the committee of the Senate to admit the principle contended for by the House, that whilst some Treaties might not require, others may require legislative provision to carry them into effect. That the decision of the question, how far such provision was necessary, must be founded upon the peculiar character of the Treaty itself."

In 1843 Wheaton concluded a Commercial Treaty with the German States.[3] The Senate Committee of Foreign Relations reported adversely to this Treaty, on the ground of the "want of constitutional competency" to make it; and the Senate laid the subject on the table indefinitely. Calhoun, then Secretary of State, comments thus on this act: "If this be a true view of the Treaty-making power, it may be truly said that its exercise has been one continual series of habitual and uninterrupted infringements of the Constitution. From the beginning, and throughout the whole existence of the Federal Government, it has been exercised constantly on commerce, navigation, and other delegated powers."[4]

The subject was again before Congress when the bill making appropriations for the purchase of Alaska was under consideration. It was elaborately discussed in the House,[5] but the debate ended by the House accepting from a Conference Committee a preamble reciting that the stipulations of the Treaty "cannot be carried into full force and effect, except by legislation, to which the consent of both Houses of Congress is necessary."[6]

A parallel discussion[7] took place in the French Chambers of Peers respecting the Convention of 1831.

It remains only to say a few words concerning the administration of the Department charged with the Executive supervision of the Foreign Relations of the United States.

From the date of the appointment by Congress of the Committee of Secret Correspondence, already alluded to, until the autumn of 1781, the management of the Foreign Affairs of the country was in the hands of Committees of Congress. Robert R. Livingston, of New York, was then appointed "their Secretary of Foreign Affairs," and took the oath of office on the 20th of October, 1781.[8] Livingston resigned in June 1783, and Elias Boudinot, the President of Congress, acted officially as Secretary in the interim.[9]

General Thomas Mifflin was chosen President of Congress on the 3d of November, 1783, at the beginning of a new Congress, and as such

[1] Annals 1st Sess. 14th Cong., 36. [2] 3 St. at L., 255. [3] Globe, 2d Sess. 28th Cong., 3. [4] Calhoun to Wheaton, June 28, 1844, MS. Dept. of State. See Lawrence's note 41 on Wheaton, page 103, Lawrence Wheaton. [5] 1, 2, 3, 4, and 5 Globe, 2d Sess. 40th Cong. [6] 15 St. at L., 198. [7] S. E. Doc. 161, 1st Sess. 24th Cong. [8] Livingston to Franklin, 2 D. C 1776–'83, 173. [9] Boudinot to Ministers at Paris, 1 D. C., 1783–'89, 3.

succeeded to Boudinot as ad interim Secretary. John Jay was elected Secretary on the 7th of May, 1784;[1] but he did not qualify until the 21st of the following December. He remained the Secretary of Foreign Affairs until the adoption of the Federal Constitution.

The fourth Statute passed by the first Congress convened under the new Constitution provided "for establishing an Executive Department, to be denominated the Department of Foreign Affairs." This became a law on the 27th of July, 1789.[2] But it was soon found necessary to enlarge the operations and duties of the Department, and, on the 15th of September, 1789, the President approved "An act to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes," in the first section of which it was provided "that the Executive Department, denominated the Department of Foreign Affairs, shall hereafter be denominated the Department of State, and the principal officer therein shall be called the Secretary of State.[3] Jefferson was appointed Secretary of State on the 26th day of September, 1789,[4] but did not enter upon the duties of his office until the 21st March, 1790.[5] Jay, notwithstanding the fact that he had been selected to be Chief Justice, an appointment which he received September 26, 1789, continued to fill the office of Secretary until Jefferson entered upon its duties, although never commissioned as such under the new government.[6]

The following is a complete list of the Secretaries of State since the adoption of the Constitution, with their respective terms of office:

Secretaries of State—1789 to 1889.

	Secretaries of State.	*Presidents.*
1789, Sept. 26.	Thomas Jefferson, of Virginia	George Washington.
1794, Jan. 2.	Edmund Randolph, of Virginia	do.
1795, Dec. 10.	Timothy Pickering, of Pennsylvania	do. / John Adams.
1800, May 13.	John Marshall, of Virginia	do.
1801, Mar. 5.	James Madison, of Virginia	Thomas Jefferson.
1809, Mar. 6.	Robert Smith, of Maryland	James Madison.
1811, Apr. 2.	James Monroe, of Virginia	do.
1817, Mar. 5.	John Quincy Adams, of Massachusetts	James Monroe.
1825, Mar. 7.	Henry Clay, of Kentucky	John Quincy Adams.
1829, Mar. 6.	Martin Van Buren, of New York	Andrew Jackson.
1831, May 24.	Edward Livingston, of Louisiana	do.
1833, May 29.	Louis McLane, of Delaware	Andrew Jackson.
1834, June 27.	John Forsyth, of Georgia	do. / Martin Van Buren.
1841, Mar. 5.	Daniel Webster, of Massachusetts	William H. Harrison. / John Tyler.
1843, May 24.	Hugh S. Legaré, of South Carolina	John Tyler.
1843, July 24.	Abel P. Upshur, of Virginia	do.
1844, Feb. 29.	John Nelson, of Maryland	do.
1844, Mar. 6.	John C. Calhoun, of South Carolina	do.
1845, Mar. 6.	James Buchanan, of Pennsylvania	James K. Polk.
1849, Mar. 7.	John M. Clayton, of Delaware	Zachary Taylor. / Millard Fillmore.
1850, July 22.	Daniel Webster, of Massachusetts	do.
1852, Nov. 6.	Edward Everett, of Massachusetts	do.
1853, Mar. 7.	William L. Marcy, of New York	Franklin Pierce.

[1] 9 Journals of Congress, 205, original edition, and 4 Way & Gideon edition, 1823, 400. [2] I. St. at L., 28. [3] Ib., 68. [4] Register of the Department of State, 1874. [5] Jefferson to Randolph, March 28, 1790; 3 Jefferson's Works, 128. [6] 1 Life of John Jay, by William Jay, 274; 10 Writings of Washington, 11 note.

	Secretaries of State.	*Presidents.*
1857, Mar. 6.	Lewis Cass, of Michigan	James Buchanan.
1860, Dec. 17.	Jeremiah S. Black, of Pennsylvania	do.
1861, Mar. 5.	William H. Seward, of New York	Abraham Lincoln. Andrew Johnson.
1869, Mar. 5.	Elihu B. Washburne, of Illinois	U. S. Grant.
1869, Mar. 11.	Hamilton Fish, of New York	do.
1873, Mar. 17.	do. do.	do.
1877, Mar. 12.	William M. Evarts, do.	Rutherford B. Hayes.
1881, Mar. 5.	James G. Blaine, of Maine	James A. Garfield.
1881, Dec. 12.	Frederick T. Frelinghuysen, of New Jersey	Chester A. Arthur.
1885, Mar. 7.	Thomas F. Bayard, of Delaware	Grover Cleveland.

ABROGATED, SUSPENDED, OR OBSOLETE TREATIES.

[The following is a list, arranged for convenience of reference in alphabetical order, of the treaties and conventions that have become partially or completely abrogated, suspended, obsolete, or amended. Those treaties or conventions, however, that from their nature have manifestly served the purpose for which they were concluded, such as those relating to claims, cession of territory, &c., are not included in this list. The Roman numerals in parentheses following the year indicate the paragraph under this heading:

Algiers 1795 (IV.), 1815 (IV.), 1816 (IV.).
Belgium 1845 (III.), 1858 (III.), 1868 Consuls (III.), 1868 Trade marks (III.), 1874 (VI.).
Brazil 1828 (III.).
Central America 1825 (II.).
Chili 1832 (III.), 1833 (III.).
China 1844 (VI.).
Colombia 1824 (II.).
France 1778 Alliance (I.), 1778 Amity and Commerce (I.), 1778 Act Separate and Secret (I.), 1788 (I.), 1800 (II.).
Great Britain 1782 (VII.), 1783 (VII.), 1794 (II. and VII.), 1796 (VII.), 1798 (VII.), 1802 (VII.), 1827 (VI.), 1854 (III.), 1862 (VI.), 1871 (III.).
Guatemala 1849 (III.).
Hanover 1840 (IV.), 1846 (IV.), 1855 (IV.), 1861 (IV.).
Italy 1868 (III.), 1868 (VI.), 1878 (VI.).
Japan 1854 (VI.), 1857 (VI.), 1858 (VI.), 1864 (VI.).
Madagascar 1867 (VI.).
Mexico 1828 (VI.), 1831 Commerce and Navigation (III., VI., and VII.), 1835 (VI.), 1848 (VI.), 1868 (III.), 1883, 1885, and 1886 Commercial Reciprocity (VIII.), 1882 (II.), 1885 (II.).
Morocco 1787 (II., IV.).
Nassau 1846 (IV.).
Netherlands 1782 (IV.), 1839 (VI.), 1855 (VI.).
Ottoman Porte 1862 (III. See also Notes: "Ottoman Porte").
Peru-Bolivia 1836 (V.).
Peru 1851 (III.), 1857 (III.), 1870 Friendship, Commerce, and Navigation (III.), 1870 Extradition (III.).
Prussia 1785 (II.), 1799 (II.).
Russia 1824 (VI.).
Salvador 1850 (VI.).
Sardinia 1838 (VI.).
Siam 1833 (VI.), 1856 (VI.).
Spain 1795 (VI.), 1802 (VI.), 1877 (VI.).
Sweden 1783 (II.).
Sweden and Norway 1816 (II.).
Tripoli 1796 (VI. and VII.).
Tunis 1797 (VI.).
Two Sicilies 1845 (VI.), 1855 (VI.).
Venezuela 1836 (III.), 1860 (III.).]

1. *Treaties abrogated by Act of Congress:* Alliance with France, 1778; Amity and Commerce with France, 1778; Act Separate and Secret with France, 1778; Consular Convention with France, 1788. The circumstances which led to the Act of Congress of July 7, 1798, annulling these Treaties are stated under the title "France." This act of Congress was the subject of some discussion between the Plenipotentiaries who ne-

otiated the Convention of 1800.[1] The latter convention contained orig-ally a statement that the Plenipotentiaries could not agree respecting hese Treaties, and that the Parties should negotiate further upon the ubject. The Senate, in consenting to the ratification, expunged that Article. Bonaparte accepted this action of the Senate, "Provided that y this retrenchment the two States renounce the respective preten-ions which are the object of the said Article." This was explained y the American Plenipotentiary, Murray, as a "wish to get rid of oth the claim to Treaties and indemnities."[2] In this sense it was ac-epted in its turn by the Senate, and thus the question was laid at rest, nd has not been mooted since.

A French writer of authority says of these proceedings: "Le motif ue porta le gouvernement américain à insister sur lê retranchement 'un article que ni l'engageait à rien, parait avoir été de ne laisser aucun oute sur la ferme résolution où il était de ne jamais consentir au nouvellement des traités de 1778; et si la reconnaissance, déjà rare armi les particuliers, n'est pas un devoir des gouvernements, le prési-ent des Etats-Unis pouvait se croire autorisé à saisir une occasion de soustraire à une obligation qui était au-dessus de ses forces, puisque république manquait de flottes pour protéger les possessions fran-aises dans le golfe du Mexique. Par cette raison, la prétendue garantie tipulée par le traité de 1778, était devenue tout-à-fait illusoire pour la rance. Aussi le premier consul ne fit-il pas beaucoup de difficulté admettre cette ratification modifiée, quoique peu usitée dans la diplo-atie moderne. Il ajouta seulement à son acceptation cette phrase: bien entendu que, par ce retranchement, les deux états renoncent aux rétentions respectives qui sont l'objet du dit article,' annonçant ainsi l'on n'accueillirait dorénavant aucune réclamation des Américains our indemnité dûe à raison de bâtiments illégalement enlevés par les orsaires français."[3]

II. *Treaties that have expired by their own limitation:* [Central America. reaty of 1825 terminated August 2, 1838; Colombia. Treaty of 1824, rminated October 3, 1836; France. Treaty of 1800, terminated July , 1809; Great Britain. Articles XI to XXVIII, inclusive of the Treaty 1794 and the additional article terminated October 28, 1807; Mexico. onvention of July 29, 1882, and the additional article of December 5, 1885; orocco. Treaty of 1787, terminated January, 1837; Prussia. Treaty 1785, terminated October, 1796 (but the twelfth article is revived by e Treaty of 1828;) Prussia. Treaty of 1799, terminated June 22, 1810 ut Articles XIII to XXIV, inclusive, with the exception of the last use in the XIX article relating to treaties with Great Britain, are vived by the Treaty of 1828); Sweden. Treaty of 1783, together with e Separate Articles, terminated 1798 (but Articles 2, 5, 6, 7, 8, 9, 10, , 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, and 25 of the Treaty, and

[1] F. R. F., 295–345. [2] 6 F. R. F., 145 [3] 6 Garden, traités de paix, 131. "The tive which induced the American Government to insist upon the withdrawal of an icle which committed it to nothing appears to have been, to leave no doubt re-cting its firm determination never to consent to a renewal of the Treaties of 1778; l if gratitude, rare among individuals, is not a duty of governments, the Presi-t might think himself authorized to seize the opportunity to release himself from obligation which was beyond his power to fulfill, since the republic had no navy h which to protect the French possessions in the Gulf of Mexico. For this reason pretended guarantee, stipulated by the Treaty of 1778, had become illusory for nce. The First Consul, therefore, did not hesitate to accept this modified ratifica-, though quite unusual in modern diplomacy. He only added to his acceptance this ase: "Provided that by this amendment the two States renounce the respective tensions which are the object of the said article," thus giving notice that thence-th he would consider no reclamation from the Americans for indemnities due in sequence of illegal seizures of vessels by French privateers."

Articles 1, 2, 4, and 5 of the Separate Articles were revived by the Treaty of 1816 and were again revived by the Treaty of 1827 with Sweden and Norway:) Sweden and Norway, 1816, terminated September 25, 1826.]

III. *Treaties terminated in consequence of notice given in accordance with the provisions of the Treaty:* [Belgium. Treaty of 1845, terminated August 20, 1858; Belgium. Treaty of 1858, terminated July 1, 1875; Belgium. Treaties of 1868, relating to Consuls and Trade Marks, terminated January 1, 1880; Brazil. Treaty of 1828, terminated December 12, 1841; Chili. Treaty of 1832, terminated January 20, 1850; Chili. Treaty of 1833, terminated January 20, 1850; Great Britain. Treaty of 1854, terminated March 17, 1866; Great Britain. Articles 18, 19, 20, 21, 22, 23, 24, 25, 30, and 32 of the Treaty of May 8, 1871, terminated July 1, 1885; Guatemala. Treaty of 1849, terminated November 4, 1874; Italy. Consular treaty of 1868, terminated September 17, 1878; Mexico. Treaty of amity, commerce and navigation of April 5, 1831, and the Additional Article thereto. The operation of this Treaty was suspended by war between the parties in 1846–1847, but was revived with some exceptions by Article 17 of the Treaty of February 2, 1848. Article 33 was abrogated by the 2d Article of the Treaty of December 30, 1853, and the entire Treaty was finally terminated November 30, 1881, by virtue of notice given by Mexico; Mexico. Naturalization treaty of July 10, 1868, terminated February 11, 1882; Ottoman Porte, Commerce and Navigation of February 25, 1862. See Notes: "Ottoman Porte;" Peru. Treaties of 1851 and of 1857, terminated December 9, 1863; Peru. Treaty of Friendship, Commerce, and Navigation of September 6, 1870, and of Extradition of September 12, 1870, were terminated March 31, 1866; Venezuela. Treaty of 1836, terminated January 3, 1851; Venezuela. Treaty of 1860, terminated October 22, 1870.]

IV. *Treaties with Powers that have been absorbed into other nationalities:* [Algiers. Treaties of 1795, 1815, and 1816, French jurisdiction was extended by conquest in 1830 over Algiers, and Consuls are acting there under French exequaturs; Hanover. Treaties of 1840, 1846, 1855, and 1861. All the treaties with Hanover are regarded as having terminated in consequence of its conquest and incorporation into the Kingdom of Prussia in 1866; Nassau, 1846. Prussian jurisdiction was extended over Nassau by conquest in 1866.

The establishment of the German Empire in 1871, and the complex relations of its component parts to each other and to the Empire, necessarily give rise to questions as to the treaties entered into with the North German Confederation and with many of the states composing the Empire. It can not be said that any fixed rules have been established.

Where a state has lost its separate existence, as in the case of Hanover and Nassau, no question can arise.

Where no new treaty has been negotiated with the Empire, the treaties with the various states which have preserved a separate existence have been resorted to.

The question of the existence of the extradition treaty with Bavaria was presented to the United States district court, on the application of a person accused of a forgery committed in Bavaria, to be discharged on *habeas corpus*, who was in custody after the issue of a mandate, at the request of the minister of Germany. The court held that the treaty was admitted by both Governments to be in existence.[1] Such a question is, after all, purely a political one.

[1 *In re* Thomas, 12 Blatchf., 370.]

In 1871 a consular convention was concluded with the German Empire, but even since this date, in some cases, exequaturs of consuls of the United States have been granted by the ruler of a particular state within which the consul is to act.

The German Minister, after the establishment of the Empire, in a note[1] dated October 19, 1871, forwarded to the Secretary of State a list of the consuls appointed on behalf of the German Empire, and requested the issue of exequaturs. These appointees were, in most cases, consuls holding appointments at the time from the North German Union or from some of the States of the Empire. This note also informed the Secretary of State of the abolition of the consulates of the North German Union.

All consuls representing Germany who are now enumerated in the Register of the Department of State are accredited by the Empire.

Similar questions have also been raised as to consuls representing the Papal States since the occupation of Rome by the Government of Italy.]

Netherlands, 1782. A war between the United Provinces and France broke out in 1793. In 1795 the Stadtholder was driven from the country and the Batavian Republic was established. This was succeeded by the Kingdom of Holland, after which the country was incorporated into the French Empire, and remained a part of that Empire until the abdication of Napoleon. On the reconstruction of Europe at the Congress of Vienna, a new Kingdom was formed, called the Kingdom of the Netherlands, in which was included the territories which had formed the United Provinces of the Netherlands. The new Power opened Diplomatic Relations with the United States by sending a Minister to Washington, who proposed "to open negotiations for a treaty of Amity and Commerce."[2] Monroe replied to this in a letter already quoted. The negotiations having been suspended, the Dutch Minister called the attention of Monroe to "the overtures made by Changuion for the purpose of consolidating the commercial relations between the two countries by a renewal or a modification of the Treaty of Commerce of 1782."[3] Monroe answered: "Mr. Changuion having intimated, by order of his Government, that the Treaty of 1782 was to be considered, in consequence of the events which have occurred in Holland, as no longer in force, and having proposed also to enter into a new treaty with the United States, this Government has since contemplated that result. It is presumed that the former Treaty cannot be revived without being again ratified and exchanged in the form that is usual in such cases, and in the manner prescribed by our Constitution."[4] Ten Cate replied, His Majesty will undoubtedly be disposed to enter into the views of the American Government with regard to the consolidation, by some means, of the commercial relations between the two States."[5] The negotiations failed for reasons stated in the President's Message to Congress.[6] The United States subsequently attempted to maintain that the Treaty was not abrogated, but the claim was resisted, and a long correspondence ensued.[7] The Dutch Foreign Minister maintained that from 1795 to 1814 "the political existence of Holland was then terminated," that "Holland had ceased for a long time to form an independent State."[8] The United States acquiesced in this statement. In a re-

[1 MS. Dept of State.] [2] Changuion to Monroe, February 24, 1815, MS. Dept. of State. [3] Ten Cate to Monroe, April 4, 1816, MS. Dept. of State. [4] Monroe to Ten Cate, August 17, 1816, MS. Dept. of State. [5] Ten Cate to Monroe, Sept. 16, 1816, MS. Dept. of State. [6] 4 F. R. F., 172. [7] 5 F. R. F., 598–629. [8] Baron de Nagell to Alexander H. Everett, 14th June, 1819. Ib., 608.

cent correspondence the United States have informed the Minister o Holland that "The Treaty of 1782 is no longer binding on the parties."

The principle of public law which causes Treaties under such circum stance to be regarded as abrogated is thus stated: "The obligations o Treaties, even where some of their stipulations are in their terms per petual, expire in case either of the contracting parties loses its existenc as an independent State, or in case its internal constitution is so change as to render the Treaty inapplicable to the new condition of things."[2]

V. *Treaties that have expired in consequence of the dissolution of th Federation with which they were made:* [Peru-Bolivia, 1836, terminate in 1839.]

VI. *Treaties or Parts of Treaties for which other agreements have bee substituted by acts of the Parties:* [Belgium 1874 terminated Decembe 18, 1882 in accordance with the provisions of Article XI of the Conven tion of June 13, 1882 which takes its place; China, 1844, Treaties o June 18 and November 8, 1858 substituted so far as the provision relate to identical subjects; France 1843 amended by Treaties of 184 and 1858; Great Britain, 1827, Treaty of 1842 substituted; Great Bri ain, 1862, Slave Trade. Modified by extending the right of searc and detention to vicinity of certain islands by Convention of Februar 17, 1863. Provisions as to Mixed Tribunals abolished August 1 1870 and the instructions for the ships employed in the preventio of the African Slave Trade modified by Convention of June 3, 1870 Italy 1868 amended by Treaties of 1869 and 1884; Italy 1878 amende by Treaty of 1881; Japan 1854 such of the provisions of this Treat as conflict with those of the Treaty of July 29, 1858 are revoked b the 12th Article of the latter Treaty; Japan, 1857. Terminated b the Treaty of July 29, 1858; Japan, 1858, Convention of 1866 mod fies the tariff of import and export duties contained in the trade-regu lations annexed to the treaty of 1858; Japan, 1864, convention 1866 modifies the tariff on imports and exports; Madagascar 186 Modified by Treaty of May 13, 1881; Mexico, 1828. From variou causes the stipulations of this treaty were not carried out withi the period provided by its terms and a further time was given by th Treaty of April 3, 1835, but the boundary commission was never esta lished. Texas becoming an independent Republic, the United State claimed that the treaty of January 12, 1828 with Mexico was bindi upon Texas, the same having been entered into at a time when Texa formed a part of Mexico. On the 25th of April 1838 a Treaty provi ing for the establishment of the boundary was concluded with Texa Mexico, 1831. Article 33 was abrogated by Article 2 of the Treaty 1853; Mexico 1835 Treaty with Texas of 1838 take its place; Mexic 1848, Articles 5, 6, 7, and 11 renounced by the Treaty of 1853; Moroc 1787, the Treaty of September 16, 1836, takes its place; Neth lands 1839, amended by treaty of August 26, 1852; Netherlands, 18 terminated August 20, 1879 and the Treaty of May 23, 1878 takes i place; Russia, 1824, Articles 3 and 4 made inoperative by the Treaty March 30, 1867; Salvador, 1850. Abrogated by the 38 Article of t Treaty of December 6, 1870; Sardinia, 1838, and Separate Artic The Treaty of February 26, 1871 with Italy takes it place; Siam, 18 Modified by the Treaty of May 29, 1856; Siam, 1856. Regulation I a nexed to the Treaty is modified by the Arrangement of December 17–2 1867; Spain 1795. Articles 2, 3, 4, 21, and the 2d paragraph of Article were annulled and Article 15 was amended by Article 12 of the Treaty

[1] Mr. Fish to Mr. de Westenburg, 9th April, 1873, MS. Dept. of State. [2] Hallec International Law, 899; see also Vattel, Droit des Gens Liv. 2, ch. 12, § 176; Wheato Elements, part 3, ch. 2, § 10; Wildman's Int. Law, v.1, ch. 4.

February 22, 1819; Spain, 1802. Annulled by Article 10 of Treaty of February 22, 1819; Spain, 1877, Amended by the Treaty of August , 1882; Tripoli, 1796, Terminated by war and the Treaty of June 4, 805 takes it place; Tunis, 1797, Amended by the Treaty of February 4, 1824; Two Sicilies, 1845, Treaty of October 1, 1855 substituted and he Treaty of February 26, 1871 with Italy takes the place of the lat- er; Two Sicilies, 1855, Treaty respecting the rights of neutrals at sea. n 1861 the Two Sicilies were merged into the Kingdom of Italy and he principle that Free Ships make free goods are included in Article XVI of the Treaty of February 26, 1871 with Italy; Two Sicilies, 1855, Commerce, Navigation, and Extradition. The Treaty of Commerce and navigation of February 26, 1871 and the Treaty of Extradition of March 3, 1868 with Italy take it place.]

VII. *Treaties the Executory Parts of which are claimed to have been erminated by war:* [Great Britain, 1782, 1783, 1794, and the Additional and Explanatory Articles thereto, and 1802; Mexico, 1831 and the Ad- litional Article thereto, but Article 17 of the Treaty of February 2, 848 revived the Treaty except so far as the stipulations were incom- patible and except the additional Article; Tripoli, 1796.]

After the conclusion of the Treaty of Ghent it was claimed by Great Britain that the rights which the Americans had enjoyed in the British isheries before the war, under the Treaty of 1783, had been lost through he abrogation of the Treaty in consequence of the war. John Quincy Adams, who was the United States Minister at London at that time, ontended that the Treaty of 1783 was not "one of those which by the ommon understanding and usage of civilized nations is or can be con- idered as annulled by a subsequent war between the same parties.[1] ord Bathurst replied, "To a position of this novel nature Great Britain annot accede. She knows of no exception to the rule that all Treaties re put an end to by a subsequent war between the same parties."[2] During the negotiations which followed Great Britain never abandoned hat position, and the United States may be said to have acquiesced in t. By it they secured the exclusion of Great Britain from the Missis- ippi, the free and open navigation of which was granted to the subjects f Great Britain forever by the Treaty which Lord Bathurst set aside.

The political department of the Government of the United States as- umed the same position during the Mexican war. President Polk, in is annual message to Congress, in December, 1847, said, "A state of war abrogates Treaties previously existing between belligerents, and a treaty of peace puts an end to all claims for indemnity."[3]

The views of the highest court of the United States on the subject of he abrogation of a Treaty by war are stated in the Introduction to hese Notes.

[VIII. *Treaties that have failed owing to absence of legislation to put hem in operation:* Mexico, Commercial Reciprocity of 1883, 1885 and 886.]

ALIENS AND ALIENAGE.

[See "*Claims,*" "*Great Britain,*" "*Netherlands.*"]

The instructions to Jay, in 1794, left it to the discretion of that Min- ster "whether * * the subject of a Commercial Treaty may not be * broken to the British Ministry." Should that be done, the "gen-

[1] 4 F. R. F., 352. [2] Ib., 354. [3] Globe, 1st Sess. 30th Cong., 5.

eral objects" which it should effect were enumerated; among these it is said, "10th. The intercourse with England makes it necessary that the disabilities, arising from alienage in cases of inheritance, should be put upon a liberal footing, or rather abolished."[1]

The 9th Article of the Treaty of 1794 with Great Britain provides that British subjects then holding lands in the territories of the United States may continue to hold them according to the nature and tenure of their respective estates, and titles therein; and may grant, sell, and devise the same as if they were natives; and that neither they, nor their heirs or assigns, shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

In a case arising under this Article the Supreme Court of the United States held that the stipulation which it contains was within the constitutional powers of the Union.[2]

Attorney-General Cushing says that the case of Fairfax's Devisee *v.* Hunter's Lessee presented "the direct constitutional question in its fullest conditions," and adds that this is "a stipulation of Treaty, constitutional in substance and form."[3] It has, however, been questioned in later times by a Justice of the Supreme Court, whether the General Government can, by Treaty, control the succession of Real Estate in a State.[4]

When the contents of the Treaty of 1794 became known, it was received with discontent, and petitions, all couched in the same language, were circulated through the country for signatures, in order that they might be presented to the House of Representatives in opposition to the Treaty. Ten instances were mentioned in these petitions in which the Treaty was supposed to have encroached upon the legislative powers vested in Congress. The seventh of these was "in changing the terms of and establishing a rule to hold real estate."[5] This point was not dwelt upon, however, in the discussions in Congress.

[The 6th article of the treaty of peace, of 1783, protected from forfeiture, by reason of alienage, lands then held by British subjects.[6]

The word "heirs" in the 9th article of the treaty of 1794 between the United States and Great Britain included only such persons as were either British subjects or American citizens, and did not extend the stipulated benefits to any persons who were aliens to both governments.[7]

As sustaining the position that the treaty of 1794 between United States and England enabled aliens to hold lands.[8]

A defeasible title to lands in Virginia, purchased during the Revolution, in a British born subject, who has never become a citizen, is completely protected and confirmed by the 9th article of the treaty of 1794, between the United States and Great Britain.[9]

Under the 9th article of the treaty with Great Britain of 1794, by which it was provided that British subjects, holding lands in the United States, and their heirs, so far as respected those lands, and the remedies incident thereto, should not be considered as aliens; the parties must show that the title to the land for which the suit was commenced was in them, or their ancestors, at the time the treaty was made.[10]

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[1] 1 F. R. F., 473. [2] Fairfax's Devisee *v.* Hunter's Lessee, 7 Cranch, 627; see also Orr *v.* Hodgson, 4 Wheaton, 453; Blight *v.* Rochester, 7 Wheaton, 535; Hughes *v.* Edwards, 9 Wheaton, 489; Shanks *v.* Dupont, 3 Peters, 242; Ware *v.* Hylton, 3 Dallas, 242; Chirac *v.* Chirac, 2 Wheaton, 259. [3] 8 Op. At.-Gen., 417. [4] Prevost *v.* Greneaux, 19 Howard, 7. [5] 2 Pitkin's History U. S., 454, note. [6] [Orr *v.* Hodgson, 4 Wheaton, 453. [7] Orr *v.* Hodgson, 4 Wheaton, 453. [8] Jackson, ex dem. The People &c., *v.* Clarke, 3 Wheaton, 1. [9] Craig *v.* Bradford, 3 Wheaton, 594. [10] Harden *v.* Fisher, 1 Wheaton, 300.]

An alien enemy might take lands in Virginia by devise, and hold them until office found; and where lands were so held, and possession and seizin continued up to and after the treaty of 1794, that instrument, being the supreme law of the land, protected the owner from forfeiture by reason of alienage.[1]

The provisions in the treaties with Great Britain of 1783 and 1794, to enable aliens to inherit, secured only titles then existing.[2]

The property of British corporations in this country is protected by the 6th article of the treaty of peace of 1783, in the same manner as that of natural persons; and their title thus protected is confirmed by the 9th article of the treaty of 1794, so that it could not be forfeited by an intermediate legislative act, or other proceeding, for the defect of alienage.[3]

On a conquest of territory by one nation from another, those of the inhabitants who do not remain and become citizens of the victorious sovereign, but adhere to their old allegiance and continue in the service of the vanquished sovereign, deprive themselves of protection or security to their property, except so far as it may be secured by treaty.

This was said in reference to the treaties of 1762 and 1763 between France and Great Britain ceding Canada to the latter. These treaties provided that the inhabitants who wished to adhere to the vanquished sovereign might sell their property, provided they sold it to certain persons and within a certain time. Held, that the property, if not so sold, became abandoned to the conqueror.[4]]

In 1870 a proposal was made to the Department of State to open negotiations with a Foreign Power, with a view of conferring upon citizens of each the power of holding, disposing of, and succeeding to real estate in the territories of the other. In deference to the doubts suggested from the bench, the question was submitted to the Committee of Foreign Relations of the Senate for advice. After full consideration they advised the negotiation of a Treaty for that purpose if possible.[5]

A glance at the Title "Real Estate" in the analytical index will show that the Executive Department of the Government has adopted the views of the Constitution taken by the Supreme Court in the case of Fairfax and Hunter, and that many treaties have been concluded, through successive administrations, in which this power over real estate has been claimed and exercised.

For an opinion of Attorney-General Cushing on the subject of Estates of Foreign Decedents, see v. 8 of the Opinions of the Attorneys-General, p. 98.

[The duties of domiciled aliens have been discussed in the Supreme Court, and it has been held that domiciled aliens owe a local and temporary allegiance; that they are bound to obey all the laws of the country not immediately relating to citizenship during their residence, and are amenable equally with citizens for any infractions of those laws.[6]

Under the 11th article of the treaty of amity and commerce between the United States and France of 1778, the subjects of France were enabled to purchase and hold lands in the United States.

The stipulation in the convention of 1800 between the United States and France, "that in case the laws of either of the two States should

[1] Fairfax's Devisee *v.* Hunter's Lessee, 7 Cranch, 603. [2] Blight's Lessee *v.* Rochester, 7 Wheaton, 535. [3] Society for Propagating the Gospel *v.* New Haven, 8 Wheaton, 464. [4] U. S. *v.* Repentigny, 5 Wallace, 211.]. [5] Mr. Sumner, Chairman of Senate Com. of Foreign Relations, to Mr. Fish, April 21, 1870, MS. Dept. of State. [[6] Carlyle *v.* U. S., 12 Wallace, 147.]

restrain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be," was held not to affect the rights of a French subject, who takes or holds by the convention, so as to deprive him of the power of selling to citizens of this country; and was held to give to a French subject, who had acquired lands by descent, or devise (and, perhaps, in any other manner,) the right, during life, to sell, or otherwise dispose thereof, if lying in a State where lands purchased by an alien would be immediately escheatable.

Although the convention expired by its own limitation, yet the instant the descent of lands was cast on a French subject during its continuance, his rights became complete under it, and could not be affected by its subsequent expiration.[1]

The convention of 1800 with France enabling the people of one country holding lands in the other, to dispose of them by testament, or otherwise, and to inherit lands in the respective countries without being obliged to obtain letters of naturalization, rendered the performance of the condition required by the law of Maryland, to sell to a citizen within ten years, a useless formality, and the conventional rate applied equally to the case of those who took by descent, under the act, as to those who acquired by purchase, without its aid.[2]

By the 7th article of the treaty with France of Feb. 23, 1853, it was provided, as follows:

"In all the States of the Union whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States.

"They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament, or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance, or any others, different from those paid by the latter, or to taxes which shall not be equally imposed."

The laws of Louisiana impose a tax of ten per cent. on the value of all property inherited in that State by any person not domiciliated there, and not being a citizen of any State or Territory of the United States. It was held that the tax accrued on the estate of a person who died in 1848 was not affected by the treaty, it having vested in the State. It was said that "certainly a treaty, subsequently made by the United States with France, could not divest rights of property already vested in the State, even if the words of the treaty had imparted such an intention." * * *

"In affirming this judgment, (that the treaty did not affect the vested interest of the State,) it is proper to say that the obligation of the treaty and its operation in the State, after it was made, depend upon the laws of Louisiana. The treaty does not claim for the United States the right of controlling the succession of real and personal property in a State."[3]

The 5th article of the treaty with Switzerland of the 25th of Nov., 1850, so far as it relates to titles to real estate, is within the treaty-making power conferred by the Constitution.[4]

The treaty between the King of Württemberg and the United States of 1844 provided as follows:

"The citizens or subjects of each of the contracting parties shall have

[1 Chirac *v.* Lessee of Chirac, 2 Wheaton, 259. 2 Ib. 3 Prevost *v.* Greneaux, 19 Howard, 1. 4 Havenstein *v.* Lynham, 100 U. S., 483.]

power to dispose of their personal property within the States of the other by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where said property lies shall be liable to pay in like cases."

This article, it was held, does not include the case of a citizen of the United States dying at home, and disposing of property there in favor of subjects of the King of Württemberg; and, consequently, that a tax of ten per cent. on the legacies, which tax was claimed by Louisiana, was not in conflict with the treaty.

In the course of this decision, the Court said:

"It has been suggested in the argument of this case, that the Government of the United States is incompetent to regulate testamentary dispositions or laws of inheritance of foreigners, in reference to property within the States.

The question is one of great magnitude, but it is not important in the decision of this cause, and we consequently abstain from entering upon its consideration."[1]]

AUBAINE, DROIT D'.

"The municipal laws of all European countries formerly prohibited aliens from holding real property within the territory of the State. During the prevalence of the feudal system, the acquisition of property in and involved the notion of allegiance to the Prince within whose dominions it lay, which might be inconsistent with that which the proprietor owed to his native Sovereign. It was also during the same rude ages that the *jus albinagié* or Droit d'Aubaine was established; by which all the property of a deceased foreigner (movable and immovable) was confiscated to the use of the State, to the exclusion of his heirs, whether claiming ab intestato or under a will of the decedent. In the progress of civilization this barbarous and inhospitable usage has been, by degrees, almost entirely abolished. This improvement has been accomplished either by municipal regulations or by international compacts founded upon the basis of reciprocity. * * * The analogous usage of the *droit détraction* or *droit de retraite*, (jus detractûs,) by which a tax was levied upon the removal from one State to another of property acquired by succession or testamentary disposition, has also been reciprocally abolished in most civilized countries."[2]

AUSTRIA.

The period for exchanging the ratifications of the Commercial Treaty of 1829 with Austria was extended, with the advice and consent of the Senate, (February 3, 1831.) The Emperor's consent was expressed in the certificate of ratification February 10, 1831. The treaty was communicated to the House of Representatives by the President on the 2d of March, 1831.[3]

[1 Frederickson *v.* Louisiana, 23 Howard, 445.] [2 Wheaton's Elements of International Law, Part II, Chapter II, Section 82. [3 H. E. Doc. 129, 2d Sess. 21st Cong.

On the 13th of February, 1850, the Senate extended the time for exchanging the ratifications of the treaty of 1848 to July 4, 1850, and the ratifications were exchanged on the 23d of that month.

The naturalization treaty of September 20, 1870, was sent to the Senate on the 12th day of December, 1870, with the correspondence relating to it. The ratifications not being exchanged within the limitations of the treaty, the time was extended three months.

[For an opinion of the Attorney General on a question arising under the naturalization treaty of 1870, see under title "Citizenship."

Complaint was made by the minister of Austria-Hungary in 1883 that a local court in Philadelphia had taken cognizance of a case which came within the jurisdiction of consuls of that country in the United States under the eleventh article of the consular Treaty of 1870. Mr. Frelinghuysen, under date of Nov. 13, 1883, communicated to the minister an opinion of the Attorney General, of July 9, 1883, that the only way to compel the State court to observe the terms of the Treaty was by a writ of error from the Supreme Court of the United States.[1]]

BARBARY STATES.

"Before the war of Independence, about one-sixth of the wheat and flour exported from the United States, and about one-fourth in value of their dried and pickled fish, and some rice, found their best markets in the Mediterranean."[2]

This trade then employed about 12,000 men, and 20,000 tons of shipping, and was protected by British passes.[3]

The war of the revolution having abrogated this protection, Congress early took into consideration plans for substituting another in its place.

In the sketch for a Treaty which that body, on the 17th of September, 1776, agreed that their Commissioners should endeavor to conclude with the French King, an article was inserted to the effect that France should protect, defend, and secure, as far as in its power, the subjects, people, and inhabitants of the United States and their vessels and effects against all attacks, assaults, violences, injuries, depredations, or plunderings, by or from the King or Emperor of Morocco, or Fez, and the States of Algiers, Tunis, and Tripoli, and any of them, and every other Prince, State, and power on the coast of Barbary,[4] and the Commissioners were instructed that this article "ought to be obtained, if possible; but should be waived rather than that the Treaty should be interrupted by insisting upon it."[5] The Commissioners did not obtain such protection. Instead of it, the King of France in the Treaty, of 1778, agreed to "employ his good offices and interposition" with those powers, "in order to provide as fully and efficaciously as possible for the benefit, convenience, and safety of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and effects, against all violence, insults, attacks or depredations on the part of the said Princes and States of Barbary, or their subjects."[6]

The recognition of the Independence of the United States by Great Britain found no steps taken in this direction, for reasons which appear

[1] F. R. 1883, pp. 9–31.] [2] Report of Mr. Jefferson, Secretary of State, 1 F. R. F., 104. [3] 2 Lyman's History of the Diplomacy of the United States, 339. [4] 2 Secret Journals of Congress, 10. [5] Ib., 28. [6] Art. 8.

in the official correspondence.[1] Mr. Adams, therefore, wrote to the President of Congress on the 10th September, 1783: "There are other Powers with whom it is more necessary to have Treaties than it ought to be; I mean Morocco, Algiers, Tunis, and Tripoli. * * * If Congress can find funds to treat with the Barbary Powers, the Ministers here are the best situated. * * * Ministers here may carry on this negotiation by letters, or may be empowered to send an agent if necessary."[2]

Congress authorized a Commission to be issued to Mr. Adams, Dr. Franklin, and Mr. Jefferson, which was done on the 12th of May, 1784, empowering them, or a majority of them, to treat with Morocco, Algiers, Tripoli, and Tunis, as well as with the several Powers of Europe.[3]

On the 28th of March, 1785, these Commissioners addressed a joint note to Count de Vergennes, asking his advice upon the conduct of their negotiations, and requesting that the good offices of the French King should be interposed with the Emperor of Morocco, according to the tenor of the 8th Article of the Treaty of 1778.[4]

Franklin left Paris for America on the 12th of July, 1785,[5] and Adams and Jefferson, finding themselves engaged in the negotiation of Treaties with European Powers, and having received authority to empower substitutes to negotiate with the Barbary States, in October of that year commissioned Thomas Barclay to negotiate with Morocco,[6] and John Lamb to negotiate with Algiers,[7] and they reported their proceedings to Jay, who referred them to Congress, with a recommendation that they should be approved.

In the spring of the next year Jefferson was induced to go to London to meet Abdrahaman, the Tripoline Ambassador, who expressed a desire to negotiate with the Commissioners.[8] They found "that 30,000 guineas for his employers, and £3,000 for himself, was the lowest terms upon which a perpetual peace could be made," and that Tunis would treat upon the same terms, "but he would not answer for Algiers or Morocco."[9] These demands were so exorbitant that the negotiations were suspended.[10]

Morocco.

Barclay was, however, instructed to continue his negotiations with Morocco.[11]

By the 16th of July, 1786, a Treaty with Morocco was nearly agreed upon.[12] After its conclusion Count de Vergennes wrote to the French Minister in the United States: "You can assure the Congress that the King will seize with eagerness all occasions to facilitate their good intelligence with the Barbary Powers. * * The Treaty which has been recently signed with this last Power (Morocco) * * will be the best refutation of the suspicions which many public papers are willing to inspire against our system of policy."[13]

On the death of the Emperor who concluded the Treaty, twenty thousand dollars was appropriated by Congress "to the purpose of effecting a recognition of the Treaty * * with the new Emperor;"[14] and instructions were sent to secure the recognition for the twenty thousand dollars if possible; if not, for twenty-five thousand.[15]

[1] 1 D.C., 1783–'89, 570–571. [2] 4 D. C., 1776–'83, 116. [3] 1 D. C., 1783–'89, 501–2. [4] 1 D. C., 1783–'89, 568 This letter is printed incorrectly, with the date of "Passy, March 28, 1786." On that day Adams and Jefferson were in London, and Franklin was in America. [5] 10 Franklin's Works, 222. [6] 1 D. C., 1783–'89, 656. [7] Ib., 657. [8] Ib., 728. [9] Ib., 604. [10] Ib., 768. [11] Ib. [12] Ib., 814. [13] Ib., 242. [14] 1 F. R. F., 288. [15] Randolph to Humphreys, March 28, 1795. Ib., 525.

The Treaty was renewed, or rather recognized, by the new Emperor, who wrote to President Washington, "We have received the present at his [the Consul's] hands with satisfaction. * * Continue writing letters to us; * * we are at peace, tranquillity, and friendship with you, in the same manner as you were with our father, who is in glory."[1]

In 1803 a Moorish pirate captured an American vessel, which was released by force by an American frigate; and when hostile demonstrations were threatened for this breach of the Treaty, the Emperor issued an order that "the American nation are still, as they were, in peace and friendship with our person, exalted of God."[2]

The Treaty concluded in 1787 to endure for fifty years, was, in its forty-ninth year, renewed for another fifty years, and for such further time as it should remain unaffected by notice.[3]

In 1865 a convention was concluded for maintaining a light-house at Cape Spartel. The correspondence respecting it will be found in the Senate documents.[4]

Algiers.

About the commencement of the year 1791, Mr. Jefferson, the Secretary of State, reported to President Washington that there were held captive as slaves in Algiers two American Masters, for whose ransom 3,000 sequins each were demanded; two mates, for whom 2,000 sequins each were asked; and ten sailors, held at 750 sequins each;[5] and he reported to Congress that the navigation into the Mediterranean had not been resumed at all since the peace; and that the sole obstacle had been the unprovoked war with Algiers, and the sole remedy must be to bring that war to an end, or to palliate its effects."[6]

On the 8th of May, 1792, President Washington asked the Senate whether in case a Treaty should be concluded with Algiers for the ransom of the thirteen Americans for a sum not exceeding forty thousand dollars, the Senate would consent; and whether they would consent to a Treaty of Peace stipulating for the payment of $25,000, on the signature of the Treaty, and a like sum annually?[7] The Senate answered each question in the affirmative,[8] and the President appointed Admiral John Paul Jones a Commissioner to negotiate a Treaty,[9] with Thomas Barclay as a substitute, in case Jones should not act.[10] Jones died before the appointment could reach him, and Barclay died soon after, without going to Morocco. Col. David Humphreys, then the Minister of the United States at Lisbon, was thereupon appointed a Plenipotentiary in their place.[11] Eight hundred thousand dollars were placed at his disposal, and he was instructed that "the President has under consideration the mode in which the eight hundred thousand dollars may be expended in the purchase of a peace; that is, how much shall be applied to the ransom, and how much to the peace."[12] More precise instructions followed on the 25th of August, 1794.[13] A Swede named Skjoldebrand, brother of the Swedish Consul at Algiers, interested himself in the unfortunate captives, and informed Humphreys (who remained at Lisbon) that a peace could be obtained for the United States for about the following sums, (in dollars,) viz: "For the Treasury, in money or timber of construction, fifty thousand; For the great officers and relations of the Dey, one hundred thousand; Consular present, thirty thou-

[1] 1 F. R. F., 527. [2] F. R. F., 591-2. [3] H. E. Doc., 145, 2d Sess. 24th Cong. [4] Confidential Ex. Doc. X, 1st Session 39th Congress. [5] 1 F. R. F., 119. [6] Ib., 104. [7] Ib., 136. [8] Ib., 290. [9] Ib. [10] Ib., 292. [11] Ib., 294. [12] Ib., 528. [13] Ib., 529.

sand; Redemption of slaves, from two hundred to two hundred and fifty thousand; in all between six and seven hundred thousand; together with an annual tribute of from twenty-five to thirty thousand; and a Consular present every two years of about nine or ten thousand dollars."[1] Humphreys sent this communication home, and received instructions "that Skjoldebrand's terms are to be acceded to, if better cannot be obtained."[2] Only a few days before this instruction was written, the Secretary of State had informed Col. Humphreys of the wishes of the Government and the country on this subject: "You are by this time," he said, "apprized of the expectation of the President, that you will continue your labors on this head, and of your title to draw for eight hundred thousand dollars, to soothe the Dey into a peace and ransom. The humanity of our countrymen has been long excited in behalf of our suffering fellow-citizens."[3] In March, 1795, Donaldson, the Consul to Tunis and Tripoli, was associated with Humphreys, and the latter was also authorized to employ Skjoldebrand in negotiating the Treaty with the Dey.[4] Joel Barlow was added to the negotiators by Monroe and Humphreys in Europe.[5] Donaldson arrived in Algiers on the 3d of September, and concluded the Treaty on the 5th, on which day Barlow arrived, and they joined in their report to Humphreys.[6]

Congress was informed by President Washington, in his speech at the opening of the second session of the Fourth Congress, of the probability that the Treaty would be concluded, "but under great, though inevitable disadvantages in the pecuniary transactions occasioned by that war."[7] A few days later the House called for information as to the measures taken to carry the Treaty into effect,[8] which was communicated confidentially on the 9th January, 1797.[9] The Bill making appropriations for these objects was discussed with closed doors,[10] and was passed February 22, 1797, by 63 ayes to 19 nays.[11] The Secretary of the Treasury estimated the whole expense of fulfilling the Treaty at $992,463.25.[12] In March, 1802, President Jefferson was able to advise Congress that "the sums due to the Government of Algiers are now fully paid up."[13]

In 1808, an enquiry having been made by Congress respecting the payments to Algiers, the Secretary of State reported that they were "of two kinds: 1st. That stipulated by Treaty, viz: Twelve thousand sequins, equal to twenty-one thousand six hundred dollars, made annually in naval stores. 2d. Those made in conformity with what is called usage at Algiers, by which it is understood we are bound. These are— 1. The present on the presentation of a Consul, $20,000. 2. The biennial presents to the officers of the government, estimated at $17,000. 3. Incidental and contingent presents, as well on the promotion of the principal officers of the Dey and regency, as for the attainment of any important object. Of these no estimate can be made."[14]

The course pursued by Algiers during the last war with Great Britain induced President Madison, in February, 1815, to recommend Congress to declare war against the Dey. The Committee to whom the message was referred reported that war existed and was being waged by the Dey against the United States.[15] A naval force was despatched to Algiers, and an Algerine frigate[16] and brig[17] were captured en route to that place. The squadron arrived off Algiers on the 28th of June,

[1] 1 F. R. F., 529. [2] Randolph to Humphreys, Nov. 21, 1794, MS. Dept. of State. [3] Randolph to Humphreys, Nov. 8, 1794, MS. Dept. of State. [4] 1 F. R. F., 529. [5] Ib., 553. [6] Ib., 554. [7] Annals 2d sess. 4th Cong., 1593. [8] Ib., 1703, 1763–7. [9] Ib., 2235. [10] Ib., 1895, 2235. [11] Ib., 2246. [12] Ib., 2239; 1 F. R. F., 555. [13] 2 F. R. F., 381. [14] 3 F. R. F., 33. [15] Ib., 748–9. [16] Annals 1st sess. 14th Congress, 1767. [17] Ib., 1762–3.

and on the 29th opened communications with the Government. The next day the Dey proposed a Treaty. The American negotiators replied by forwarding a draft for a Treaty, and by declaring that "the United States would never stipulate for paying tribute under any form whatever." The Dey and his officers asked for time, but it was refused. They even pleaded for three hours. The reply was, "not a minute," and the Treaty was signed and the prisoners released.[1]

The papers relating to the only remaining Treaty with Algiers (that of 1816) will be found in 5 F. R. F., 133 et seq.

[Algiers through conquest became in 1830 a colonial province of France.]

Tripoli.

On the 4th of November, 1796, Barlow concluded a Treaty with the Bashaw of Tripoli. "The price of the peace was advanced" to the United States by the Dey of Algiers.[2] But the Bashaw did not long rest contented. In April, 1800, he told Cathcart, the American Consul, to say to the President that he was "pleased with the proffers of friendship," but "that had his protestations been accompanied with a frigate or brig of war, * * he would be still more inclined to believe them genuine."[3] On the 12th of May he said to him, "Why do not the United States send me a voluntary present? * * I am an independent Prince as well as the Bashaw of Tunis, and I can hurt the commerce of any nation as much as the Tunisians."[4] The same month he wrote to the President, "Our sincere friend, we could wish that these your expressions were followed by deeds, and not by empty words. * * If only flattering words are meant, without performance, every one will act as he finds convenient. We beg a speedy answer, without neglect of time, as a delay on your part can not but be prejudicial to your interests."[5]

The answer made was a naval squadron and a war against Tripoli on land and sea, which was terminated on the 4th of June, 1805, by a Treaty signed on board of an American man-of-war in the harbor of Tripoli.[6] Nothing was paid for the peace. Prisoners were exchanged man for man, and $60,000 were paid by the United States for the release of the number of American prisoners in the hands of the Tripolines over and above the number of Tripolines in the hands of the Americans. They were about two hundred.

Tunis.

The Treaty with Tunis was negotiated under the directions of Barlow in 1797.[7] It cost one hundred and seven thousand dollars, viz: $35,000, Regalia; $50,000, Peace; $12,000, Peace presents; $4,000, Consul presents; and $6,000, Secret service. The Senate advised its ratification, on condition that the 14th Article should be modified.[8] This modification appears to have been assented to in 1799.[9] See 2 F. R. F., 799, and 3 F. R. F., 394, for correspondence, &c., respecting other questions arising between the two Powers.

In 1824 the modified Articles were agreed to in the form in which they now stand.[10]

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[1] Decatur and Shaler to Monroe, 1b., 1475. See also 1b., 1762 et seq., and 4 F. R. F., 6. [2] President Adams's Message to Congress, June 23, 1797, 2 F. R. F., 65. For the Message communicating it to the Senate, see 3 Annals 5th Congress, 3091. [3] 2 F. R. F., 350. [4] 1b. [5] 1b., 352. [6] 1b., 717–718. [7] 2 F. R. F., 123-5. [8] 1b., 126. [9] 1b., 281. See also, 3 Annals 15th Cong., 3287. [10] 5 F. R. F., 430.

[By a treaty concluded May 12, 1881, Tunis passed under the protection of France. In the 4th article the French government guarantees the execution of the treaties between Tunis and the various European powers.

Since the establishment of the protectorate, the French government has introduced various administrative reforms, and reorganized the administration of justice. The French minister, on the 20th November, 1882, addressed to the Secretary of State a note asking that the Government of the United States renounce the exercise of consular extra-territorial jurisdiction in Tunis. On Nov. 23, 1882, Mr. Frelinghuysen replied:

"Inasmuch as the consular jurisdiction in Tunis, to which you refer, is expressly commanded by a statute of Congress, the renunciation of that jurisdictional right does not appear to be a matter within the control of the Executive of the United States, and it will therefore be necessary to lay the subject before Congress at its approaching session, and ask for appropriate legislation thereon.

"Meanwhile, as the consulate of the United States at Tunis has been suspended, owing to the withdrawal of the appropriation for its maintenance, and as there is consequently no officer of the United States in that region empowered by law or treaty to act judicially, it is not likely that any question of jurisdiction affecting American interests there will arise pending the awaited action of Congress."[1]]

General remarks.

In the interesting report of Jefferson to the House of Representatives concerning the Mediterranean Trade, which has been already referred to,[2] three modes of dealing with the Barbary pirates are indicated: 1. To ensure vessels and cargoes and to agree upon a fixed rate of ransom for prisoners. 2. To purchase peace. 3. To conquer a Peace; and he concludes: "It rests with Congress to decide between war, tribute, and ransom, as the means of re-establishing our Mediterranean commerce."

Under the policy adopted by Congress the "total amount of real expenditures" "exclusive of sundry expenses incurred but not yet paid" were stated by the Secretary of the Treasury, on the 30th July, 1802, at $2,046,137.22.[3] This was before the war with Tripoli.

The Statutes under which payments were made are the following. 1791, ch. 16, 1st St. at L., 214; 1792, ch. 24, Ib., 256; 1796, ch. 19, Ib., 460; 1797, ch. 12, Ib., 505; 1797, ch. 12, Ib., 553; 1798, ch. 58, Ib., 544; 1799, ch. 28, Ib., 723; 1800, ch. 47, 2 St. at L., 66; 1803, ch. 19, Ib., 215; 1804, ch. 21, Ib., 269; 1805, ch. 21, Ib., 321; 1806, ch. 33, Ib., 388; 1807, ch. 29, Ib., 436; and from this time forward there was an annual appropriation until the Tribute was terminated.

[In an opinion[4] of Jan. 31, 1849, Mr. Toucey, Attorney General, in answer to the question whether the act of Aug. 11, 1848, "to carry into effect certain provisions in the treaties between the United States and China, and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries," embraced Egypt and the Barbary States, said that it was a political question. "The political action of the government on this subject," it was said, "would control the courts of law, and furnish a rule for their guidance, which they would be obliged to follow. We have treaties with the Barbary States, without the intervention of the Sultan of Turkey. How

[1 F. R., 1883, 297.] [2 1 F. R. F., 104. [3 2 F. R. F., 369. [4 5 Op. At. Gen., 67.]

far Egypt, or those States, may be regarded as 'in the dominions of the Sublime Porte,' is a question which cannot be solved without the aid of the State Department."]

BAVARIA.

The words "real and" in parentheses on page 46 are encircled in red ink in the original treaty. The cause of this is the following: The Treaty was submitted to the Senate, and ratified by it on the 15th of March, 1845, with an amendment striking out from the third article the words "real and." The copy for exchange, with this amendment, was sent to Mr. Wheaton, and a copy was transmitted by him to the Bavarian Minister at Berlin; and after long deliberation the amendment was accepted by the Bavarian Government."[1]

BELGIUM.

[See "*Extradition*," "*Commerce*."]

On the 20th of August, 1857, Mr. Bosch Spencer, the Belgian Minister at Washington, wrote General Cass, the Secretary of State, thus: "Le soussigné a été chargé par le gouvernement du roi, de dénoncer officiellement le traité du dix novembre 1845, ainsi qu'il a l'honneur de le faire aujourd'hui en adressant la présente communication à l'honorable secrétaire d'état des États-Unis."[2] General Cass acknowledged the receipt of this notice on the 3d of September, 1857.

The ratifications of the Consular Convention of 1868 were not exchanged within the time limited by the Treaty. The Senate by resolution of March 2d, 1870, confirmed an exchange made at a later day.

[The extradition treaty of 1874 limited the operation of the treaty, as to crimes or offenses committed anterior to its date, to the crimes of murder and arson. Under article III Carl Vogt, whose surrender to Prussia under the treaty of 1852, and to Belgium, with which no treaty then existed, had been refused, (see under title "Extradition,") was surrendered to Belgium.

Congress, by a joint resolution approved June 17, 1874, provided for notice to terminate the treaty of 1858, pursuant to the seventeenth article, and authorized the President to communicate such notice to the government of Belgium.[3]

The Secretary of State, under date of June 17, instructed Mr. Jones, the minister of the United States at Brussels, to give the necessary notice, inclosing a copy of the joint resolution.[4]

The notice was given July 1, and the treaty terminated pursuant to its terms July 1, 1875.[5]

It had been found that the fourth and thirteenth articles of the treaty in their operation, and under the most favored nation clause in other treaties, worked a discrimination against the marine of the United States

[1] Buchanan to Wheaton, No. 68, 27th March, 1845. Wheaton to Buchanan, No. 276, 5th Nov., 1845. MS. Dept. of State. [2] "The undersigned has been charged by the Government of the King to terminate officially the Treaty of the 10th of November, 1845, as he now has the honor to do by addressing the present communication to the honorable Secretary of State of the United States." MS. Records, Dept. of State. Translation. [3] 18 Stat. L., 287. [4] F. R. 1874, 64. [5] Ib. 65, 66.]

and in favor of that of foreign countries. Exemption from tonnage-dues had been claimed by several foreign powers for their vessels, on account of the exemption accorded to Belgian vessels under the fourth article of the treaty.[1]

The causes making it necessary to abrogate the treaty were communicated to the government of Belgium[2] and to Mr. Delfosse, the Belgian minister, by note dated November 9, 1874.[3]

The suggestion that the United States was ready to negotiate a new treaty, excluding the objectionable clauses, was met by the negotiation of the treaty of March 8, 1875, which included also some new provisions and went into effect June 11, 1875.]

BORNEO.

For the correspondence relating to the negotiation of the Treaty with Borneo, see "Message from the President of the United States in answer to a Resolution of the Senate calling for information in relation to the mission of Mr. Balestier, late United States Consul at Singapore, to Eastern Asia," February 12, 1852.[4]

BOUNDARY.

[See "*France*," "*Great Britain*," "*Mexico*," "*Spain*," "*Cession of Territory*."]

[By the treaty of St. Ildefonso, of the 1st of October, 1800, Spain ceded Louisiana to France; and France, by the treaty of Paris, signed the 30th of April, 1803, ceded it to the United States. Under this treaty the United States claimed the country between the Iberville and the Perdido. This claim has been supported both by the executive and legislative branches of the government. And in a controversy between the United States and a foreign sovereign as to boundary, the court must follow the decision of that department of the government intrusted by the constitution with the care of its foreign relations, especially if sanctioned by the legislative power.[5]

This decision was affirmed in all particulars.[6]

It is a sound principle of law, and applies to the treaty-making power of the government of the United States, whether exercised with a foreign nation or an Indian tribe, that all questions of boundary may be settled by the parties to the treaty; and to the exercise of that high function of the government within its constitutional powers, neither the rights of a state nor of an individual can be interposed.[7]

Under the treaty of Dec. 30, 1853, with Mexico, called the Mesilla treaty, the "establishment" of the boundary line consisted of the official agreement of the two commissioners, appointed, one by each government, to survey, mark, and establish the line; and that agreement, when duly made, is conclusive against both governments.

[1 On claim of Sweden and Norway, 14 op. At.-Gen., 468 Williams of Hanseatic Republics, Id., 530; and 16 Id., 276, 626 Devens. 2 MS., Dept. of State. 3 1 F. R., 1875, 72.] 4 S. Ex. Doc 38, 1st Sess. 32d Cong. [5 Foster *v.* Neilson, 2 Peters, 253. 6 Garria *v.* Lee, 12 Peters, 511. 7 Latimer *v.* Poteet, 14 Peters, 4.]

To establish the line, it is not requisite that the maps contemplated by the treaty shall first have been made; that is not the establishment of the line, but only the record or history of its survey.[1]]

BRAZIL.

On the 26th of March, 1840, Mr. Chaves, the Brazilian Minister at Washington, wrote thus to the Secretary of State: "Le gouvernement impérial est mis dans l'obligation de ne pas prolonger la durée du traité conclu entre l'empire et cette république le 12 décembre 1828, au-delà du terme énoncé dans l'Article 11 du même traité; devant par conséquent le dit traité être terminé à l'expiration de douze mois à compter de cette date, pour les articles seulement qui se rapportent au commerce et à la navigation."[2] This notice was received on the 27th of March, 1840, and was answered by Mr. Forsyth, Secretary of State, on the 20th of June, 1840, thus: "Although each party has reserved to itself the right of terminating the Treaty at the expiration of twelve months from the date of the notification of its intention; yet the privilege of giving such notification is so restricted that neither party can give it before the expiration of the twelve years stipulated for the duration of the Treaty; that consequently the earliest date at which the notice intended to be conveyed by Mr. Chaves' note can be given, is the 12th of December of this year; and that the earliest period at which, under any circumstances, the Treaty can cease to be operative, is the 12th of December of the year 1841. The President, however, anxious at once to gratify the wishes of the Brazilian Government, and to show, by his readiness to comply with the spirit of the Treaty, the sincerity of the disposition with which, in all its clauses, it has been fulfilled by the United States, is willing to overlook the departure from the strict lettee of the instrument involved in the premature notice given in Mr. Chavesr note, and to receive said notice as if given in accordance with the terms' of the Treaty at the expiration of the twelve years."[3] For the correspondence in the negotiation of the Treaty, see House Executive Document 32, 1st Session 25th Congress.

BREMEN.

[See "*Commerce.*"]

CENTRAL AMERICA.

The federation of the States of Guatemala, San Salvador, Honduras, Nicaragua, and Costa Rica, under the name of the United States of Central America, was [established by the adoption of a constitution December 17, 1823,[4] and was dissolved in 1839.[5]] But one Treaty (1825)

[1 7 Op. At.-Gen., 582, Cushing.] [2 "The Imperial Government is obliged not to prolong the duration of the Treaty concluded between the Empire and this Republic, of Dec. 12, 1828; therefore, by the terms contained in Article 11 of the said Treaty, at the expiration of twelve months from this date the said Treaty will be terminated, only for the articles relating to commerce and navigation." MS. Records, Dept. of State. [3 Ib. [4 Montúfar, Reseña Histórica de Centro América and Baily's Central America. [5 Fish to Williamson, June 17, 1873. MS. Dept. of State.]

was concluded with this power, the articles in which, relating to commerce and navigation, expired by their own limitation on the 2d of August, 1838; the remaining articles were abrogated by the dissolution of the Federation.

But, on the 19th of April, 1850, the United States agreed with Great Britain that neither party should occupy, or fortify, or colonize, or assume, or exercise any dominion over any part of Central America. After this Treaty, the British occupation of the Mosquito coast continued as it had been before the conclusion of the Treaty. This caused representations from the United States, which developed a wide difference of opinion respecting the obligations which Great Britain had assumed.[1] The two Governments tried in vain to adjust these differences by Treaty. Great Britain thereupon made separate arrangements with the several States—with Guatemala, April 30, 1857;[2] with Honduras, November 28, 1859;[3] and with Nicaragua, January 28, 1860.[4] These separate arrangements are understood, in the aggregate, to comply with the expectations of the United States.

CESSION OF TERRITORY.

[See "*France*," "*Great Britain*," "*Mexico*," "*Spain*."]

[It was said by Chief Justice Marshall, in the American Insurance Company *v.* Canter, 1 Peters, 542, that "the Constitution confers absolutely on the Government of the Union the powers of making war and of making treaties; consequently, that Government possesses the power of acquiring territory, either by conquest or treaty."[5]

The formation of the civil government in California, when it was done, was the lawful exercise of a belligerent right over a conquered territory. It was the existing government when the territory was ceded to the United States, as a conquest, and did not cease as a matter of course, or as a consequence of the restoration of peace; and it was rightfully continued after peace was made with Mexico, until Congress legislated otherwise, under its constitutional power, to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The tonnage duties, and duties upon foreign goods imported into San Francisco, were legally demanded and lawfully collected by the civil governor, whilst the war continued, and afterwards, from the ratification of the treaty of peace until the revenue system of the United States was put into practical operation in California, under the acts of Congress, passed for that purpose.[6]

The usage of the world is, if a nation be not entirely subdued, to consider the holding of conquered territory as a mere military occupation, until its fate shall be determined at the treaty of peace. If it be ceded by treaty, the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed, either on the terms stipulated in the treaty of cession, or on such as its new master shall impose.

The treaty with Spain, by which Florida was ceded to the United States, is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of the citizens

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[1] S. E. Doc. 1, 1st Sess. 34th Cong., 42–120. [2] 49 British and Foreign State Papers, [3] Ib., 13. [4] 50 Ib., 96. [5] See also Cerré *v.* Pitot, 6 Cranch, 336. [6] Cross *v.* Harrison, 16 Howard, 164.]

of the United States. They do not however participate in political power; they do not share in the government, until Florida shall become a State. In the mean time Florida continues to be a territory of the United States governed by virtue of that clause of the Constitution, which empowers "Congress to make all needful rules and regulations, respecting the territory, or other property belonging to the United States."[1]

When territory is ceded, the national character continues for commercial purposes, until actual delivery; but between the time of signing the treaty and the actual delivery of the territory, the sovereignty of the ceding power ceases, except for strictly municipal purposes, or such an exercise of it as is necessary to preserve and enforce the sanctions of its social condition.[2]

The State of Missouri was formerly a part of the territory, first of France, next of Spain, then of France, who ceded it to the United States by the treaty of 1803, in full propriety, sovereignty and dominion, as she had acquired and held it; 2 Peters, 301, &c.: by which this government put itself in place of the former sovereigns, and became invested with all their rights, subject to their concomitant obligations to the inhabitants. Both were regulated by the law of nations, according to which the rights of property are protected, even in the case of a conquered country; and held sacred and inviolable when it is ceded by treaty, with or without any stipulation to such effect; and the laws, whether in writing, or evidenced by the usage and customs of the conquered or ceded country, continue in force until altered by the new sovereign.[3]

The term "grant" in the treaty comprehends not only those which are made in form, but also any concession, warrant, order or permission to survey, possess or settle, whether evidenced by parol, or presumed from possession; and in the term "laws" is included custom and usage, when once settled; though it may be "comparatively of recent date, and is not one of those to the contrary of which the memory of man runneth not, which contributed so much to make up the common law code, which is so justly venerated." Its evidence consists in the sense and understanding of parties in their contracts, which are made with reference to such usage or custom, for the custom then becomes a part of the contract, and may not improperly be considered the law of the contract, and it rests on the same principle as the lex loci.[4]

"Treaties are the law of the land, and a rule of decision in all courts. 2 Peters, 314; 9 Peters, 133."

In the treaty of cession of Louisiana no exceptions were made, and the court has declared that none can thereafter be made. 8 Peters, 463. The United States must remain content with that which contented them at the transfer, when they assumed the precise position of the King of Spain. The United States have so remained, as appears by their laws. By the acts of 1804, 1805, 1807, and 1816, they recognized the laws, usages, and customs of Spain to be legitimate sources of titles. A part of the laws, &c., was the unwritten law of Louisiana.[5]

"It may not be unworthy of remark, that it is very unusual, even in cases of conquest, for the conqueror to do more than to displace the sovereign and assume dominion over the country. The modern usage of nations, which has become law, would be violated; that sense of justice and of right which is acknowledged and felt by the whole civilized world would be outraged if private property should be generally confis-

[1 The American Insurance Co. *v.* Canter, 1 Peters, 542. 2 Davis *v.* Concordia, 9 Howard 280. 3 Strother *v.* Lucas, 12 Peters, 410. 4 Ib. 5 Ib.]

ated, and private rights annulled. The people change their allegiance; heir relation to their ancient sovereign is dissolved, but their relations o each other, and their rights of property, remain undisturbed. * * * The language of the second article (of the Spanish treaty of 1819) conforms to this general principle. 'His catholic majesty cedes to the United States in full property and sovereignty, all the territories which belong to him situated to the eastward of the Mississippi, known by the name of East and West Florida.' A cession of territory is never understood to be a cession of the property belonging to its inhabitants * * * The cession of a territory by its name from one sovereign to another, conveying the compound idea of surrendering at the same time the lands and the people who inhabit them, would be necessarily understood to pass the sovereignty only, and not to interfere with private property."[1]

Affirmed as to rights of property after cession of territory.[2]

"Had Florida changed its sovereign by an act containing no stipulation respecting the property of individuals, the right of property in all those who became subjects or citizens of the new government would have been unaffected by the change."[3]

Even in cases of conquest, the conqueror does no more than displace the sovereign, and assume dominion over the country. 7 Peters, 6; (10 Peters, 720, 729–30, *passim*). "A cession of territory is never understood to be a cession of the property of the inhabitants. The king cedes only that which belongs to him; lands he had previously granted, were not his to cede. Neither party could so understand the treaty. Neither party could consider itself as attempting a wrong to individuals condemned by the whole civilized world. 'The cession of a territory' would necessarily be understood to pass the sovereignty only, and not to interfere with private property." Ib., 87. No construction of a treaty, which would impair that security to private property, which the laws and usages of nations would without express stipulation have conferred, would seem to be admissible further than its positive words require. Without it, the title of individuals would remain as valid under the new government, as they were under the old; and those titles, at least so far as they were consummate, might be asserted in the courts of the United States, independently of this article.'" Ib., 88; 6 Peters, 741–2; ... P. 9 Peters, 133.[4]

In the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded territory should be protected in the free enjoyment of their property. The United States, as a just nation, regard this stipulation as the avowal of a principle which would have been held equally sacred if it had not been inserted in the contract.

The term "property," as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contrast, those which are executory; as well as those which are executed. In this respect the relation of the inhabitants to their government is not changed. The new government takes the place of that which has passed away.[5]

Under the treaty of 1783 with Great Britain the United States succeeded to all the rights, in that part of old Canada which now forms the State of Michigan, that existed in the King of France prior to its conquest by the British in 1760; and among these rights, with that of deal-

[1 U. S. *v.* Percheman, 7 Peters, 86. [2 Leitensdorfer *v.* Webb, 20 Howard, 176. [3 Ch. Marshall, in U. S. *v.* Percheman, 7 Peters, 51–87; quoted in U. S. *v.* Repentigny, 5 Wallace, 211. [4 Strother *v.* Lucas, 12 Peters, 410. [5 Soulard *v.* U. S., 4 Peters, 511.]

ing with the seigniorial estate of lands granted out as seigniories by the said King, after a forfeiture had occurred for non-fulfilment of the conditions of the fief. And under our system a legislative act, after forfeiture for non-fulfilment of the seigniorial conditions,—directing the appropriation and possession of the land,—which is equivalent to the "office found" of the common law,—is sufficient to complete its reunion with the public domain.[1]

No principle can be better established by the authority of this court, than "that the acts of an officer, to whom a public duty is assigned by his king, within the sphere of that duty, are prima facie taken to be within his power." "The principles on which it rests are believed to be too deeply founded in law and reason ever to be successfully assailed. He who would controvert a grant executed by the lawful authority, with all the solemnities required by law, takes on himself the burthen of showing that the officer has transcended the powers conferred upon him; or that the transaction is tainted with fraud."[2]

"Where an act of an officer to pass the title to land according to the Spanish law, is done contrary to the written order of the king, produced at the trial, without any explanation, it shall be presumed that the power had not been exceeded; that the act was done on the motives set out therein; and according to some order known to the king and his officers, though not to his subjects: and courts ought to require very full proof that he had transcended his powers before they so determine it."

"The terms of a treaty are to be applied to the state of things then existing in the ceded territory, 8 Peters, 462; in that which had been held by Spain, the whole power of granting and confirming titles had, by the royal order of 1754, been transferred to officers in the colonies, the commandants of posts, and local authorities, &c."[3]

Under the Florida treaty, grants of land made before the 24th January, 1818, by his catholic majesty, or by his lawful authorities, stand ratified and confirmed to the same extent that the same grants would be valid if Florida had remained under the dominion of Spain; and the owners of conditional grants, who have been prevented from fulfilling all the conditions of their grants, have time by the treaty extended to them to complete such conditions. That time, as was declared by the court in Arredondo's case, 6 Peters, 748, began to run in regard to individual rights from the ratification of the treaty; and the treaty declares, if the conditions are not complied with, within the terms limited in the grant, that the grants shall be null and void.[4]

In the construction of the Florida treaty, it is admitted that the United States succeeded to all those equitable obligations which we are to suppose would have influenced his catholic majesty to secure their property to his subjects, and which would have been applied by him in the construction of a conditional grant, to make it absolute; and further that the United States must maintain the rights of property under it by applying the laws and customs by which those rights were secured before Florida was ceded; or by which an inchoate right of property would, by those laws and customs, have been adjudicated by the Spanish authorities to have become a perfect right.[5]

All the laws which were in force in Florida, while a province of Spain except those of a political character, which concerned the relations be

[1 U. S. *v.* Repentigny, 5 Wallace, 211. [2 Strother *v.* Lucas, 12 Peters, 410. [3 Ib. On this point, see 8 Peters, 449-50, 458, 475, 488-9; 7 Peters 96; 9 Peters 134, 169, 734; 11 Peters, 331; S. P., 727, &c. [4 U. S. *v.* Kingsley, 12 Peters, 476. [5 Ib.]

tween the people and their sovereign, remained in force until altered by the government of the United States.[1]

The tribunals of the United States, in passing upon the rights of the inhabitants of the territory ceded under the treaty of Guadalupe Hidalgo are "governed by the treaty, the law of nations, the laws, usages, and customs of the former government, the principles of equity, and the decisions of the Supreme Court, so far as they are applicable. They (the United States) have not desired the tribunals to conduct their investigations as if the rights of the inhabitants to the property which they claim depended upon the nicest observance of every legal formality. They have desired to act as a great nation, not seeking, in extending their authority over the ceded territory, to enforce forfeitures, but to afford protection and security to all just rights which could have been claimed from the government they superseded."[2]

"California belonged to Spain by the rights of discovery and conquest. The government of that country established regulations for transfers of the public domain to individuals. When the sovereignty of Spain was displaced by the revolutionary action of Mexico, the new government established regulations upon the same subject. These two sovereignties are the spring heads of all the land titles in California existing at the time of the cession of that country to the United States by the treaty of Guadalupe Hidalgo. That cession did not impair the rights of private property. They were consecrated by the law of nations, and protected by the treaty. The treaty stipulation was but a formal recognition of the pre-existing sanction in the law of nations. The act of March 3, 1851, was passed to assure to the inhabitants of the ceded territory the benefit of the rights of property thus secured to them. It recognizes alike legal and equitable rights, and should be administered in a large and liberal spirit."[3]]

CHILI.

On the 19th of January, 1849, M. Carvallo, Chilian Minister at Washington, wrote to Mr. Buchanan, Secretary of State, "que, en ejercicio de la facultad que por el artículo 31 del tratado de navegacion y comercio, celebrado en Santiago á 16 de Mayo 1832, se reservaron ámbos gobiernos, el de Chili desea terminar dicho tratado; lo que en conformidad del citado artículo tendrá efecto el dia 20 de Enero del año próximo futuro."[4]

On the 27th of the following February Mr. Buchanan replied, saying that he had "the honor to acknowledge the receipt of the note of Mr. Carvallo, * * giving notice pursuant to the 31st Article of the Treaty of Navigation and Commerce, concluded at Santiago on the 16th of May, 1832, that his Government desires to terminate that Treaty, and that in conformity with the article referred to, the notice will take effect on the 20th of January next."[5]

For the correspondence respecting the seizure of the Brig Macedonian, see Senate Executive Document No. 58, 35th Congress, 1st Sess. The

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[[1] The American Insurance Co. *v.* Canter, 1 Peters, 544. [2] U. S. *v.* Auguisola, 1 Wallace, 352. [3] U. S. *v.* Moreno, 1 Wallace, 400.] [4] MS. Records, Dept. of State. "That, in the exercise of the privilege which, by article 31 of the treaty of navigation and commerce, concluded at Santiago on the 16th of May, 1832, both Governments reserved to themselves, that of Chili desires to terminate said treaty; which, in conformity with the article referred to, will take effect on the 20th day of January next."—Translation. [5] MS. Records, Dept. of State.]

award of the King of Belgium, under the Treaty referring this claim to his decision, was in favor of the United States. It was dated the 15th of May, 1863.

CHINA.

On the 3d of March, 1843, an act was approved placing forty thousand dollars "at the disposal of the President of the United States to enable him to establish the future commercial relations between the United States and the Chinese Empire on terms of national equal reciprocity,"[1] and on the 8th of the following May, Caleb Cushing was commissioned as Envoy Extraordinary, Minister Plenipotentiary, and Commissioner to China.

He says of his mission there: "I entered China with the formed *general* conviction that the United States ought not to concede to any foreign State under any circumstances jurisdiction over the life and liberty of a citizen of the United States, unless that foreign State be of our own family of nations—in a word, a Christian State. * * In China I found that Great Britain had stipulated for the absolute exemption of her subjects from the jurisdiction of the Empire. * * I deemed it, therefore, my duty to assert a similar exemption on behalf of citizens of the United States.[2] A Treaty on this basis was concluded on the 3d day of July, 1844, and was communicated to the Senate by the President on the 22d of January, 1845;[3] and on the 28th of January the injunction of secresy was removed from the correspondence submitted with the Treaty.[4]

On the exchange of the ratifications of this Treaty, it became necessary that laws should be enacted conferring judicial powers on Ministers and Consuls, in order that citizens of the United States in China might enjoy the protection and rights conferred by the Treaty. Congress proceeded in this matter with such good judgment, that all conflicting views were harmonized in Committee, and the act was passed without discussion, and was approved on the 11th of August, 1848.[5]

Under this act it was originally held that Vice-Consuls could not be empowered to exercise judicial functions;[6] but this decision was reversed by Attorney-General Cushing.[7]

The act of 1848 empowered the Commissioner, with the advice of the several Consuls, to make regulations for carrying the provisions of the Treaty into effect.

In November, 1854, Robert McLane, as Commissioner, made several "regulations," which were duly transmitted to Congress by the President on the 15th of July, 1856.[8]

On the 12th of December, 1856, regulations made by Peter Parker, a successor of McLane, were also transmitted to Congress.[9]

William B. Reed was appointed Commissioner on the 18th of April, 1857. His instructions, which were communicated to the Senate by the President on the 20th of April, 1858,[10] directed him, by peaceful cooperation, to aid in the accomplishment of the objects which the allies were seeking "to accomplish by treaty stipulations."

On the 10th of December, 1857, the President transmitted to Congress

[1] 5 St. at L., 624. [2] Cushing to Calhoun, Sept. 29, 1844, cited in 7 Op. At.-Gen., 497-9. [3] S. E. Doc. 58, 2d Sess. 28th Cong. [4] S. E. Doc. 67, 2d Sess. 28th Cong. [5] 9 St. at L., 276. [6] Consular Instructions of 1855, § 275. [7] 7 Op. At.-Gen., 511. [8] S. E. Docs. 32 and 92, 1st Sess. 34th Cong. [9] S. E. Doc. 6, and H. E. Doc. 11, 3d Sess. 34th Cong. [10] S. E. Doc. 47, 1st Sess. 35th Cong.

further regulations made by Parker on the 4th of March, 1857, for such revision as Congress might deem expedient.[1] The Senate Committee reported that these Regulations needed no revision,[2] and the Senate passed a resolution to that effect.[3]

On the 20th of December, 1858, the President transmitted to the Senate the correspondence of Commissioners McLane and Parker, but withheld the instructions of the Department to them.[4] This document contains 1424 pages, and exhibits in detail the questions which had arisen with China during the period it covers.

On the 27th of December, 1858, the President transmitted to Congress a decree, and a further regulation which had been made by Reed, who had been appointed Minister Plenipotentiary.[5]

The instructions of the Department of State to McLane and Parker, which were withheld from the public in 1858, were communicated to the Senate in 1860.[6] With the instructions to Parker, the President also transmitted to Congress a mass of correspondence (624 printed pages) relating largely to the negotiations of the treaty of Tien-tsin in 1858. In 1857, Mr. Marcy thought that "the British Government evidently had objects beyond those contemplated by the United States, and we ought not to be drawn along with it, however anxious it may be for our co-operation."[7] He writes to Parker on the 27th of February, 1857: "The President does not believe that our relations with China warrant the 'last resort' you speak of. * * The 'last resort' means war."[8] But in the following May, Mr. Cass, the Secretary of State, directs Reed to co-operate peacefully with the allied Powers for the objects named in his despatch.[9]

It being proposed in Congress to change or modify the act of 1848, Mr. Cass addressed a communication on the subject to the Chairman of the Senate Committee of Foreign Relations.[10] Congress passed the Act June 22, 1860.[11]

Mr. Burlingame, in June, 1863, being the representative of the United States in China, wrote to Mr. Seward: "In my despatch No. 18, of June 2, 1862, I had the honor to write, if the Treaty Powers could agree among themselves to the neutrality of China, and together secure order in the Treaty Ports, and give their moral support to that party in China, in favor of order, the interests of humanity would be subserved. Upon my arrival at Pekin I at once elaborated my views, and found, upon comparing them with those held by the representatives of England and Russia, that they were in accord with theirs."[12]

On the 15th of June, 1864, Burlingame instructed the Consul-General at Shanghai respecting "the extent of the rights and duties of American citizens under the Treaty, and the regulations made in pursuance thereof;"[13] and he added, "I have submitted the above letter to the British, French, and Russian Ministers, and they authorize me to inform you they entirely approve its views and policy."[14] Burlingame described the policy he was prescribing as "an effort to substitute fair diplomatic action in China for force."[15] When this important action was communicated to Mr. Seward, Secretary of State, he wrote, "It is approved with much commendation."[16]

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[1] H. E. Doc. 9, 1st Sess. 35th Cong. [2] Globe, 1st Sess. 35th Cong., 1203. [3] Ib., 1555. [4] S. E. Doc. 22, 2d Sess. 35th Cong. [5] S. E. Doc. 11, and H. E. Doc. No. 21, 2d Sess. 35th Cong. [6] S. E. Doc. 30 and 39, 1st Sess. 36th Congress. [7] S. E. Doc. 30, 1st Sess. 36th Cong., 4. [8] Ib., 6. [9] Ib., 7. [10] S. E. Doc. 43, 1st Sess. 36th Cong. [11] 12 St. at L., 72. See also Acts of Sept. 20, 1850; 9 St. at L., 468, of March 3, 1859; 11 St. at L., 408, and of July 1, 1870; 16 St. at L., 183. [12] 2 D. C., 1863; 937 of one imprint and 859 of the other imprint. [13] 3 D. C., 1864, 426. [14] Ib., 430. [15] Ib. [16] Ib., 440.

On the 9th of November, 1864, Burlingame transmitted to the Department further rules and regulations for Consular Courts.[1] Seward replied that the despatch would "be submitted to Congress."[2]

In 1866 Burlingame submitted for approval "land regulations" for the regulation and the government of the European Colony (the French excepted) at Shanghai.[3] In 1868 the powers agreed upon rules for joint investigation, under the Treaty, in cases of confiscation and fine by the Custom-House authorities.[4]

In the summer of 1868 a Legation from China arrived at Washington, with Burlingame (who had left the service of the United States) as its chief.[5] The Treaty of 1868 was then concluded between them and the United States.

There being some delay in the ratification of that Treaty on the part of China, Mr. Fish instructed Mr. Bancroft, the Minister of the United States at Berlin, thus: "You will undoubtedly meet Mr. Burlingame * in Berlin. * * Impress upon him the importance to China of an early ratification of the Treaties. * * While the President cordially gives his adhesion to the principles of the Treaty of 1868, * * yet he earnestly hopes that the advisers of His Majesty the Emperor may soon see their way clear to counselling the granting of some concessions."[6]

In 1870 Congress enacted that the superior judicial authority conferred by the Act of 1860 on Consuls-General or Consuls, should be vested in the Secretary of State, and that in certain cases appeals should lie from the judgment of Consular Courts to the District Court of the United States for the District of California.[7]

In an opinion dated September 19, 1855, Attorney-General Cushing reviews at length the effect of the Statute of 1848, and the extent of the judicial authority it confers upon Consuls.[8] Attorney-General Black held that it was limited to the five ports mentioned in the Treaty.[9]

The expenses of transporting prisoners held for trial from one port in China to another are a lawful charge upon the general appropriations for defraying the judicial expenses of the government in the absence of specific appropriations for the purpose.[10]

In November, 1858, Commissioner Reed, on behalf of the United States, accepted five hundred thousand taels ($735,238.97) in full satisfaction of the claims of citizens of the United States against China. In the following March Congress passed an act providing for the custody of the money, and authorizing the President to appoint Commissioners to examine and audit the claims with a view to its distribution. The manner in which this was done is set forth in detail in the House Executive Document No. 29, 3d Sess. 40th Congress. After the payment of the awards in full the remainder of the money was remitted to the Department of State. It has been the subject of several reports from the Secretary of State, and of some discussions in Congress.[11]

[When it was found that after paying the awards of the commissioners a surplus remained, its return to the Chinese Government was proposed; and several of the Presidents in their annual messages[12] recommended either the return of the balance or its utilization in the interest of the Chinese.

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[1] 2 D. C., 1865, 413. [2] Ib., 437. [3] 1 D. C., 1867, 429. [4] S. E. Doc. 19, 3d Sess. 40th Cong. [5] 1 D. C., 1868, 601. [6] F. R., 1870, 307. [7] 16 St. at L., 183. [8] 7 Op. At.-Gen., 495. [9] 9 Op. At.-Gen., 294. See also 11 Op. At.-Gen., 474, Speed. [10] 6 Op. At. Gen., 59, Cushing. [11] S. E. Doc. 58, 2d Sess. 41st Cong.; H. E. Doc. 69, 2d Sess. 41st Cong.; Globe, 2d Sess. 41st Cong., 2977; Globe, 2d Sess. 41st Cong., 4304. [[12] Annual Messages of December 3, 1860; December 3, 1861; December 1, 1879; December 6, 1880; December 6, 1881; December 4, 1882; December 4, 1883; December 1, 1884.]

Out of the balance remitted to the Department of State, several claims were paid under acts of Congress. The act of February 22, 1859, directed the Attorney General to examine the claim of Nott and Co. against the Chinese Government for losses of coin sustained in 1857 by the capture and robbery of the vessel called the Neva, which claim had been disallowed by the commissioners. That officer rendered his decision March 3, 1859, in favor of the claimants, and the Secretary of State paid them the sum of $38,242.53, which included interest up to the date of that decision. The claim growing out of the plundering and destruction of the bark Caldera, upon which the commissioners made a deduction of sixty per cent. from the amount claimed on the ground of a supposed prior damage by sea-water to the cargo, was referred by the act of June 19, 1878, to the Court of Claims. The decision of that court in favor of the claimants was affirmed by the Supreme Court of the United States; and on the 7th of May, 1881, the Secretary of State paid out of the balance of the fund the sum of $113,077.11 in satisfaction of the judgment. Under the act of March 3, 1885, the Secretary of State paid from the fund to the executors of Charles E. Hill the sum of $130,000 upon the receipt of a release in full for all claims upon China for the use and loss of the steamer Keorgeo. On the 24th day of April, 1885, in accordance with the terms of the act of March 3d of that year, the remaining portion of the fund, being $453,400.90, was paid to the Chinese Minister, who, in acknowledging its receipt, said "this generous return of the balance of the indemnity fund by the United States to China cannot fail to elicit feelings of kindness and admiration on the part of the Government of China towards that of the United States, and thus the friendly relations so long existing between the two countries will be strengthened."[1]

On the 17th of November, 1880, a treaty was concluded which gives the Government of the United States the right to regulate, limit, or suspend, but not absolutely to prohibit, the coming of Chinese laborers to the United States, or their residence therein, whenever in its opinion such coming or residence affects or threatens to affect the interests of the country, or to endanger the good order of the country or any locality therein. An act to execute the stipulations of this treaty, and suspending the immigration of Chinese laborers for ten years, was approved May 6, 1882.[2]

It provides that from and after the expiration of ninety days next after its passage and until the expiration of ten years from the passage of the act, the coming of Chinese laborers to the United States is suspended, and during such suspension it shall not be lawful for any Chinese laborer to come, or having so come, to remain within the United States. It provides that certificates might be given to those Chinese laborers who desired to visit China and return to the United States to to permit them to do so.

This act was amended by an act approved July 5, 1884.[3]

A treaty was concluded by Secretary Bayard and the Chinese Minister under date of March 12, 1888. By this arrangement the United States secured the co-operation of China in the main purpose and object of the treaty, which is stated in the first article to be the absolute prohibition of Chinese laborers from coming into the United States for twenty years, and unless notice should be given by either Government six months before the expiration of that period it should remain in force for another like period of twenty years. To this prohibition the only

[1 F. R. 1885, 183. 2 22 St. at L., 58. 3 23 St. at L., 115.]

exception made was that of any Chinese laborer who had a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement. Mr. Bayard says, in making his report of the negotiations to the President, that "considerations of humanity and justice require these exceptions to be made, for no law should overlook the ties of family, and the wages of labor are entitled to just protection."

The treaty did not affect the right at present enjoyed of Chinese subjects being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but stipulated that in order to entitle them to admission they must produce a certificate from their Government or from the Government of the country where they last resided, viséd by the diplomatic or consular representative of the United States in the country or port whence they departed.

The treaty was awaiting the exchange of ratifications when, on the 13th September, 1888, an act was approved for its execution.

Subsequently, however, a bill was introduced in Congress for the absolute prohibition of Chinese laborers from entering the United States, whether provided with return certificates or not. This bill promptly passed both Houses of Congress, and on the 1st of October, 1888, received the approval of the President. On the same day he informed Congress of his action by a message,[1] in which he reviewed the whole situation in respect to Chinese immigration. Referring to the treaty, he said:

"Being submitted for the advice and consent of the Senate its confirmation, on the 7th day of May last, was accompanied by two amendments, which that body engrafted upon it.

"On the 12th day of the same month the Chinese minister, who was the plenipotentiary of his Government in the negotiation and the conclusion of the treaty, in a note to the Secretary of State gave his approval to these amendments, 'as they did not alter the terms of the treaty,' and the amendments were at once telegraphed to China, whither the original treaty had previously been sent immediately after its signature on March 12.

"On the 13th day of last month I approved Senate bill number thirty-three hundred and four, 'to prohibit the coming of Chinese laborers to the United States.' This bill was intended to supplement the treaty, and was approved in the confident anticipation of an early exchange of ratifications of the treaty and its amendments and the proclamation of the same, upon which event the legislation so approved was by its terms to take effect.

"No information of any definite action upon the treaty by the Chinese Government was received until the 21st ultimo—the day the bill which I have just approved was presented to me—when a telegram from our minister at Peking to the Secretary of State announced the refusal of the Chinese Government to exchange ratifications of the treaty, unless further discussion should be had with a view to shorten the period stipulated in the treaty for the exclusion of Chinese laborers, and to change the conditions agreed on, which should entitle any Chinese laborer who might go back to China to return again to the United States.

"By a note from the chargé d'affaires *ad interim* of China to the Secretary of State, received on the evening of the 25th ultimo, a third amendment is proposed, whereby the certificate, under which any departing Chinese laborer alleging the possession of property in the United States would be enabled to return to this country, should be granted by the Chi-

[1 S. E. Doc. 273, 1st Sess. 50th Cong.]

nese consul instead of the United States collector, as had been provided in the treaty.

"The obvious and necessary effect of this last proposition would be practically to place the execution of the treaty beyond the control of the United States.

"Article I of the treaty proposed to be so materially altered, had, in the course of the negotiations, been settled in acquiescence with the request of the Chinese plenipotentiary, and to his expressed satisfaction.

"In 1886, as appears in the documents[1] heretofore referred to, the Chinese foreign office had formally proposed to our minister strict exclusion of Chinese laborers from the United States without limitation; and had otherwise and more definitely stated that no term whatever for exclusion was necessary, for the reason that China would of itself take steps to prevent its laborers from coming to the United States.

"In the course of the negotiations that followed suggestions from the same quarter led to the insertion in behalf of the United States of a term of 'thirty years,' and this term, upon the representations of the Chinese plenipotentiary, was reduced to 'twenty years,' and finally so agreed upon.

"Article II was wholly of Chinese origination, and to that alone owes its presence in the treaty.

"And it is here pertinent to remark that everywhere in the United States laws for the collection of debts are equally available to all creditors, without respect to race, sex, nationality, or place of residence, and equally with the citizens or subjects of the most favored nations and with the citizens of the United States recovery can be had in any court of justice in the United States by a subject of China, whether of the laboring or any other class.

"No disability accrues from non-residence of a plaintiff, whose claim can be enforced in the usual way by him or his assignee or attorney in our courts of justice.

"In this respect it can not be alleged that there exists the slightest discrimination against Chinese subjects, and it is a notable fact that large trading firms and companies and individual merchants and traders of that nation are profitably established at numerous points throughout the Union, in whose hands every claim transmitted by an absent Chinaman of a just and lawful nature could be completely enforced.

"The admitted and paramount right and duty of every Government to exclude from its borders all elements of foreign population which for any reason retard its prosperity or are detrimental to the moral and physical health of its people, must be regarded as a recognized canon of international law and intercourse. China herself has not dissented from this doctrine, but has, by the expressions to which I have referred, led us confidently to rely upon such action on her part in co-operation with us as would enforce the exclusion of Chinese laborers from our country.

"This co-operation has not, however, been accorded us. Thus from the unexpected and disappointing refusal of the Chinese Government to confirm the acts of its authorized agent and to carry into effect an international agreement, the main feature of which was voluntarily presented by that Government for our acceptance, and which had been the subject of long and careful deliberation, an emergency has arisen, in which the Government of the United States is called upon to act in self-defense by the exercise of its legislative power. I can not but regard the expressed demand on the part of China for a re-examination

[1 S. E. Doc. O, pts. 1 and 2; S. E. Doc. 272, 1st Sess., 50th Cong.]

and renewed discussion of the topics so completely covered by mutual treaty stipulations, as an indefinite postponement and practical abandonment of the objects we have in view, to which the Government of China may justly be considered as pledged.

"The facts and circumstances which I have narrated lead me, in the performance of what seems to me to be my official duty, to join the Congress in dealing legislatively with the question of the exclusion of Chinese laborers, in lieu of further attempts to adjust it by international agreement.

"But while thus exercising our undoubted right in the interests of our people and for the general welfare of our country, justice and fairness seem to require that some provision should be made by act or joint resolution, under which such Chinese laborers as shall actually have embarked on their return to the United States before the passage of the law this day approved, and are now on their way, may be permitted to land, provided they have duly and lawfully obtained and shall present certificates heretofore issued permitting them to return in accordance with the provisions of existing law."

In the same message the President made, in regard to the abuse of return certificates, the following observations:

"To such an extent has the successful violation of the Treaty and the laws enacted for its execution progressed, that the courts in the Pacific States have been for some time past overwhelmed by the examination of cases of Chinese laborers who are charged with having entered our ports under fraudulent certificates of return or seek to establish by perjury the claim of prior residence.

"Such demonstration of the inoperative and inefficient condition of the treaty and law has produced deep-seated and increasing discontent among the people of the United States, and especially with those resident on the Pacific coast. This has induced me to omit no effort to find an effectual remedy for the evils complained of, and to answer the earnest popular demand for the absolute exclusion of Chinese laborers having objects and purposes unlike our own, and wholly disconnected with American citizenship."

A supplemental commercial treaty, for supplying certain defects in existing treaties, was also concluded November 17, 1880.

A foreigner designated by the customs Taotai can not be deemed a public officer under the 23th article of the treaty of 1858, who may sit in conjunction with the consul.[1]]

The administration by consuls of the Exterritorial jurisdiction conferred by treaty is considered under the title "Consuls."

CITIZENSHIP.

The political departments of the United States have invariably contended for the individual right of expatriation. The question has been discussed with the British Government,[2] with the Prussian Government,[3] with the French Government,[4] and with the Austrian Government, in the case of Martin Koszta.[5]

Attorneys-General Cushing[6] and Black[7] have expressed the opinion

[1 F. R. 1875, 347, 400.] [2 S. E. Doc., 38, 1st Sess. 36th Cong., 153, et seq. [3 Lawrence's Wheaton, 925. [4 Ib., 927–8. [5 H. E. 91, 1st Sess. 33d Cong. [6 8 Op. At.-Gen., 139. [7 9 Ib., 62, 365.]

that citizens of the United States possess the right of voluntary expatriation, subject to such limitation, in the interest of the State, as the law of nations or acts of Congress may impose; and Congress, in a late act, has expressed its opinion that "the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness," and has enacted "that any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government.[1]

This right has been guarded, and its exercise provided for, in the series of Treaties whose provisions will be found grouped in the Analytical Index under the title "*Naturalization.*"

In a recent correspondence the Department of State, referring to the Koszta correspondence, said:

"The late distinguished Secretary of State, Mr. Marcy, was very careful in his elaborate letter concerning the case of Martin Koszta not to commit this government to the obligation or to the propriety of using the force of the nation for the protection of foreign-born persons who, after declaring their intention to become at some future time citizens of the United States, leave its shores to return to their native country. He showed clearly that Koszta had been expatriated by Austria, and required to reside outside her jurisdiction; that at the time of his seizure he was not on Austrian soil, or where Austria could claim him by treaty stipulations; that the seizure was an act of lawless violence, which every law-abiding man was entitled to resist; and he took especial care to insist that the case was to be judged, not by the municipal laws of the United States, not by the local laws of Turkey, not by the conventions between Turkey and Austria, but by the great principles of international law. It is true that in the concluding part of that masterly dispatch he did say that a nation might at its pleasure clothe with the rights of its nationality persons not citizens, who were permanently domiciled in its borders. But it will be observed by the careful reader of that letter that this portion is supplemental merely to the main line of the great argument, and that the Secretary rests the right of the government to clothe the individual with the attributes of nationality, not upon the declaration of intention to become a citizen, but upon the permanent domicile of the foreigner within the country.

"To extend this principle beyond the careful limitation put upon it by Secretary Marcy would be dangerous to the peace of the country. It has been repeatedly decided by this department that the declaration of intention to become a citizen does not, in the absence of treaty stipulations, so clothe the individual with the nationality of this country as to enable him to return to his native land without being necessarily subject to all the laws thereof."[2]

[The treaty of peace of 1783 renounced, as to Great Britain, all claim to the allegiance of the citizens of the United States, but it did not decide who were citizens of the United States. It left all persons in the States as it found them, neither making those citizens, who had by the laws of any of the States been declared aliens, nor releasing from their allegiance any who had become, and were claimed as, citizens.[3]

All British born subjects whose allegiance Great Britain has never renounced, ought, upon general principles of interpretation, to be held

[1] 15 St. at L., 223–4. [2] S. E. Doc. 108, 2d Sess. 41st Cong. [What is given above under this caption appeared in Mr. Davis' original Notes under the caption of Naturalization.] [3] McIlvaine *v.* Coxe's Lessee, 4 Cranch, 209.

within the intent, as they certainly are within the words of the 9th article treaty of 1794.

The treaty of 1783 acted upon the state of things as it existed at that period. It took the actual state of things as its basis. All those, whether natives or otherwise, who then adhered to the American states, were virtually absolved from all allegiance to the British crown; and all those who then adhered to the British crown were deemed and held subjects of that crown. The treaty of peace was a treaty operating between states and the inhabitants thereof.[1]

The term "subjects", in the 15th article of the treaty with Spain of 1795, when applied to persons owing allegiance to Spain, must be construed in the same sense as the term "citizens" or "inhabitants" when applied to persons owing allegiance to the United States, and extends to all persons domiciled in the Spanish dominions. "Indeed, in the language of the law of nations, which is always to be consulted in the interpretation of treaties, a person domiciled in a country, and enjoying the protection of its sovereign, is deemed a subject of that country. He owes allegiance to that country, while he resides in it; temporary, indeed, if he has not, by birth or naturalization, contracted a permanent allegiance; but so fixed that, as to all other nations, he follows the character of that country, in war as well as in peace."[2]

Upon a question of the nationality of a child born of British parents during the period of joint occupation of Oregon, under the convention of 1818, it was held that a child born in 1823, of British subjects, was born in the allegiance of the King of Great Britain.[3]

A naturalized citizen born in Ireland is not entitled, when arraigned for felony in Great Britain, to the privilege of a jury *de mediatate*.[4]

Cases arise from time to time where persons who, by the laws of the United States, are declared to be citizens of the United States, are also, by the law of some other country, held to allegiance in that country. In this class may be included persons born out of the limits and jurisdiction of the United States whose fathers were, at the time of their birth, citizens of the United States. Such a case being submitted to the Attorney-General, it was held that it was not competent for the United States to interfere with the rights of a foreign nation to the government and control of persons claimed to be its subjects so long as they were residing in such foreign country, and that passports should not be granted to persons born in Curaçoa, and residing there without intention to reside in the United States, although children of native-born citizens of the United States.[5]

A citizen of the North German confederation, who becomes naturalized in the United States, must have an uninterrupted residence of five years in the United States, before he is entitled to the immunities guaranteed by the treaty with that confederation of February 22, 1868. The recital in the record of the naturalization proceedings, that he had resided continuously in this country for more than five years, is not conclusive upon the Government of the United States as to the fact so recited.

It appeared that the applicant, being a minor of Prussian birth, after a four years' residence in the United States, during which he obtained a certificate of naturalization, spent a year in his native country, Westphalia, with his father. During that time he obtained a passport as a Prussian subject, and went to a neighboring country to learn a trade.

[1 Shanks *v.* Dupont, 3 Peters, 242. 2 The Pizarro, 2 Wheaton, 227. 3 McKay *v.* Campbell, 2 Sawyer, 118. 4 Warren's case, 12 Op. At. Gen., 320, Stanbery. 5 13 Op. At. Gen., 90, Hoar.]

He did not appear to have claimed, while in Prussia, "any privileges on account of his American domicil, or to have asserted any nationality, either incipient or consummate, except that of Prussia. All these things signify a Prussian character and a practical renunciation, so far as the present question is concerned, of the rights acquired by his previous residence here and his service in the Union army. His return to America seems to have been the result of a purpose subsequently formed." It was expressly said that "his residence in the United States would not be interrupted, in the meaning of the treaty, by a transient absence for business, pleasure, or other occasion, with the intention of returning."[1]

A woman born in the United States and married to a citizen of France, and domiciled there, cannot be regarded as "a citizen of the United States residing abroad."[2]

All persons who were citizens of Texas December 29, 1845, became citizens of the United States by the collective naturalization effected by the act of that date.[3]

An Austrian subject, naturalized in the United States, must have resided five years therein to entitle him to be regarded as a citizen of the United States within the convention of 1870.[4]

The Attorney-General, considering the status of an alien woman married to a citizen of the United States, decided that an alien woman married to a citizen of the United States thereby becomes a citizen, irrespective of the time or place of the marriage or residence of the parties.[5]

Congress,[6] in 1868, declared expatriation to be "a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness."

This right has finally been admitted by the conclusion of naturalization treaties with many foreign powers.

Under date of August 6, 1873, the President submitted to the heads of the several Executive Departments of the Government a series of questions for their opinion, "with a view of forming a general plan of conduct for the Executive in respect to such questions."

The replies to the questions submitted, and much valuable information contained in an appendix, were afterward published, under the title "Opinions of the Heads of the Executive Departments and other papers relating to Expatriation, Naturalization, and Change of Allegiance."[7]

The President has, from time to time, called the attention of Congress to the necessity of legislation, and to the unsatisfactory condition of the law, upon these questions.[8]

One François A. Heinrich, a resident of Austria, was born in the city of New York, in 1850, of Austrian parents, who were then temporarily residing in that city. The family returned to Austria when François was about two or three years old, taking him with them, and he has resided there ever since. It was stated that he at one time obtained a passport as a citizen of the United States from the American consul at Stuttgart, in Würtemberg. It was also stated that in 1866 and 1867 he was furnished with Austrian passports, under the protection of which he travelled in the quality of an Austrian subject. Advised, that he should be held by the United States as an Austrian subject. The Attorney-General said: "I have not overlooked the fact that François once obtained a

[1 13 Op. At.-Gen., 376, Akerman. 2 Ib., 128, Hoar. 3 Ib., 397, Akerman. 4 14 Op. At.-Gen., 154, Williams. 5 Ib., 403, Williams. 6 Act July 27, 1868, R. S., §1999. 7 2 F. R., 1873, 1177. 8 President's Message, Dec. 1, 1873, 1 F. R., 1873, 6; message Dec. 7, 1874; F. R., 1874, 10; message Dec. 7, 1875; 1 F. R., 1875, 16; message Dec. 6, 1886, F. R., 1886, XI.]

passport from an American consul at Stuttgart. This is unimportant, except so far as it is indicative of a preference in regard to nationality; and I consider it overbalanced by the circumstances above adverted to, and the further circumstance that, from the return of his parents to Austria up to the present time, his domicil or residence appears to have remained in that country."[1]

It has been held by the Department of State that a citizen of the United States who expatriates himself, and acquires a foreign allegiance by naturalization, is thereafter as completely an alien as if he had never been an American citizen; and that if he should desire to resume his American status, the laws provide no process for doing so save by naturalization.[2]

It has been held, however, that taking an oath of allegiance to a foreign power does not necessarily amount to a renunciation of citizenship of the United States. Mr. Jones, who was born in Boston, Mass., in 1837, took up his residence in Hawaii in 1857, and entered into mercantile pursuits there as a domiciled American citizen. Becoming the owner there of a merchant vessel under the Hawaiian flag, it became necessary for him, in order to the maintenance of his rights in that kingdom, to take an oath of allegiance to the sovereign of the islands, which he did in the following form: "The undersigned, a native citizen of the United States of America, being duly sworn, upon his oath declares that he will support the constitution and laws of the Hawaiian Islands and bear true allegiance to His Majesty Kamehameha IV."

After reviewing the case, Mr. Frelinghuysen expressed the following conclusion:

"In the absence of a direct judicial determination of the question I do not feel disposed to deny to Mr. Jones any right or privilege pertaining to his character of American citizenship, and therefore, while the Department will not undertake to express any authoritative opinion on the effect which his course in Hawaii may ultimately have on his *status* in that regard, you are authorized to extend to him such protection as may be properly due to a citizen of the United States residing in and having acquired a commercial domicile in a foreign state. This protection must, of course, be limited and qualified by the liabilities and obligations incident to such commercial domicile."[3]

In this connection reference may be made to an opinion of Mr. ex-Justice B. R. Curtis on the somewhat analogous case of a native-born citizen of the United States who, being in England with his family in the latter part of the year 1861, and being the owner of several vessels then in English ports, became apprehensive of war between the United States and Great Britain, and, in order to protect his vessels, went to Hamburg, and placed them under the Hamburg flag. In order to do so, he took before the proper officers of the city an oath to be "true and faithful to the Free and Hanseatic Town of Hamburg and to the Senate," etc., but did not expressly renounce his native allegiance. By taking this oath he "acquired the position and the privileges of upper-citizenship of Hamburg." He had, however, no intention of remaining there permanently, and was in the city only about three weeks. Mr. Curtis's opinion was that the person in question did not cease to be an American citizen.[4]

In connection with section 2172 of the Revised Statutes, which relates to the *status*, under certain circumstances, of children of naturalized citizens of the United States, reference may be made to the following case: Charles Drevet, born September 28, 1864, at Paris, and having

[[1] 14 Op. At.-Gen., 154, Williams. [2] F. R., 1884, 451. [3] F. R., 1882, 346. [4] 1 Life and Writings of B. R. Curtis, 438.]

continued to reside there, applied in 1885 to the Legation of the United States for a passport. His father, Leon Drevet, a Frenchman, came to the United States in 1852; made a declaration of intention in July, 1858; married an American woman in February, 1859; went back to France in 1860; returned to the United States in 1869, and on June 3 of the same year took out his second papers, but shortly after returned to France, where he had since resided. Mr. Bayard instructed the Legation as follows: "The Department holds, under section 2172 of the Revised Statutes, that as Mr. Charles Drevet was not at the time of the naturalization of his father dwelling in the United States; that as he has never resided in this country, and never intends to do so, he cannot be considered to be an American citizen. You will, therefore, decline to issue a passport to him as such, that being the only attestation of nationality which could have been granted by your legation in case the facts should have shown him to be an American citizen."[1]

The rule that legitimate children take the *status* of the father has been applied in the case of the son of an American citizen by a Chinese woman. The marriage in this case was performed at Shanghai by a priest of the Roman Catholic Church, and the child was held to be born in lawful wedlock, with an express reservation, however, of the question of legitimacy for further consideration, should it be shown that the father was domiciled in a state whose laws prohibit the marriage of white persons with Chinese.[2]]

CLAIMS.

[See "*Chili*," "*China*," "*Denmark*," "*France*," "*Great Britain*," "*Japan*," "*Mexico*," "*Neutrals*," "*Spain*," "*Venezuela*."]

The decision of an international tribunal, within the scope of its authority, is conclusive and final, and is not re-examinable.[3]

[The awards made by the commission which sat under the convention with Mexico, of July 4, 1868, though on their face final and conclusive as between the United States and Mexico, are only so until set aside by agreement between the two governments or otherwise; and the United States may treat with Mexico for a retrial of any case decided by the commission, and the President may withhold from any claimant his distributive share of sums paid by Mexico under the treaty, while negotiating with that Republic for a retrial of his case.[4]

When it is alleged that a decision in an international tribunal against a foreign government was obtained by the use of fraud, no technical rules of pleading as applied in municipal courts should be allowed to stand in the way of the national power to do what is right.[5]]

It was decided by the Commission sitting in London under the Seventh Article of the Treaty of 1794 with Great Britain, that no claim for captured vessels should be allowed against Great Britain in which the claimants had failed to exhaust their remedies in the courts against the captors or had satisfactorily accounted for the failure to do so.[6] The same point is understood to have been held by the recent mixed Ameri-

[[1] F. R., 1885, 373. [2] Ib., 171.] [3] Comegys *v.* Vasse, 1 Peters, 212. [[4] Frelinghuysen *v.* Key, 110 U. S. 63. The principle as to jurisdiction of Secretary of State affirmed in Ealing *v.* U. S., 114 U. S., 562. [5] Frelinghuysen *v.* Key, 110 U. S., 63.] [6] Gore to the Secretary of State, July 1, 1799, MS. Dept. of State.

can-British Commission sitting in Washington, according to the provisions of the Treaty of 1871.[1]

It was decided by President Washington that it is the duty of a neutral to use all the means in its power to protect and defend their vessels and effects in its ports and waters, or on the seas near its shores, and to recover and restore the same to the right owners when taken from them; and that the same rule ought to be extended to captures made on the high seas and brought into the neutral port if done by vessels which have been armed within them. It was further held that when the neutral forbears to so use all the means in its power for the restitution of such vessels, it is incumbent upon it to make compensation for them. The Commission in London, just referred to, decided that in proceedings before a mixed Commission to recover such compensation, it must be shown that proceedings had first been had in the courts of the country, and there had been a miscarriage of justice.[2]

In the arbitrations under Jay's Treaty, it seemed to be supposed that a party had the right to withdraw from the Commission under directions from the political department of the Government. Great Britain claimed the same right in the notices to the Arbitrators in the late Arbitration at Geneva, which were given on the 15th of April, 1872. It may be questioned whether this is in accordance with the idea of an independent and impartial judicial Tribunal.

A mixed commission is competent to decide upon the extent of its jurisdiction.[3]

The proceedings of the Mixed Commission, held in London under the provisions of the Convention of 1853 with Great Britain, have been made public.[4] In several cases they appear to have considered and passed upon the question of their own jurisdiction.[5] In a few cases they were required to construe the Treaties between the two countries. In the case of the "John," captured by Great Britain after the time when by the terms of the 2d Article of the Treaty of Ghent, hostilities should have ceased, and wrecked by the captor, it was held that the owners were entitled to compensation, as restitution could not be made.[6] In the case of the "Washington," it was held that American fishermen were not excluded by the Convention of 1818 from fishing in the open waters of the Bay of Fundy.[7]

Venezuela has asserted the right to set aside *ex parte* the award of a mixed commission.[8] This assertion, which strikes at the root of international arbitration, was resisted by Congress.[9]

It was decided by the Tribunal of Arbitration at Geneva that claims for advanced rates of insurance, transfer of commercial marine, and the prolongation of a war, do not constitute good foundation for an award of compensation or computation of damages between nations,[10] and that the general expenses of a war are not a good foundation for such an award.[11]

It was also decided by that Tribunal that prospective earnings cannot properly be made the subject of compensation; that claims for gross freights, so far as they exceed net freights, should be set aside; and that it is just and reasonable to allow interest on claims such as those submitted to that Tribunal.[12]

Under the Seventh Article of Jay's Treaty, provision was made for

[1] See also 1 Op. At.-Gen., 25, Randolph. [2] Case of the Elizabeth. [3] Lord Chancellor Loughborough. See under title "*Great Britain*," *post*. [4] S. E. Doc. 103, 1st Sess. 34th Cong. [5] *E. g.*, The Dawson, The Lord Nelson, 63. [6] Ib., 427. [7] Ib., 170. [8] H. R. 2d Sess. 41st Cong.; H. E. Doc. 176, 2d Sess. 41st Cong. [9] 17 St. at L., 477. [10] 4 Papers Rel. Tr. W., 20. [11] Ib., 53. [12] Ib.

reference of claims of individuals upon the respective governments to a Commission. Attorney-General Breckenridge held that, in case of an award to several persons who do not appear to be in partnership, the right to the amount is in all collectively, and not individually, and that the right to transfer must be in all; and that if the parties have neglected to have inserted in the award the amount of their respective interests, or if they disagree as to their several proportions, the embarrassments are attributable to themselves; the Government cannot undertake to decide among them.[1]

[Under the treaty of February 22, 1819, between the United States and Spain, a claims commission was organized to adjust claims to an amount not exceeding $5,000,000 against Spain by citizens of the United States which the United States had renounced as against Spain. Under the treaty the commissioners were to "receive, examine, and decide upon the amount and validity of all claims included within the descriptions above mentioned." The Court held that so far as the amount and validity of the claims were concerned, the decision of the commissioners was conclusive and final. But it did not follow that their authority extended to the adjustment of conflicting rights of different citizens to the funds so awarded. And the award of the commissioners in favor of any particular person did not present a bar to an action by a claimant against the person to whom money had been paid under the award.[2]]

On the 27th of May, 1855, Attorney-General Cushing rendered an opinion upon the "unskillfulness of public officers," which must be read as a whole to appreciate its reasoning and its results. It demonstrates that claims against governments do not arise from such a cause.[3]

[An award under the convention of 1863 with Peru, "payable in current money of the United States," may legally be paid either in Treasury notes or in specie.[4]

The annual installments of interest due to the United States under the convention with Spain of Feb. 17, 1834, may, by virtue of the legal-tender act of Feb. 25, 1862, chap. 33, be paid in Treasury notes, if the Spanish Government chooses to offer them in payment, there being no express provision in the convention that the money shall be paid in coin.[5]

The question of alien claims and the examination of claims by committees of Congress have been a fruitful source of difficulty. A report made to the House of Representatives February 10, 1875,[6] contains much useful information on this subject.

In the preface to this report, entitled "The Law of Claims against Governments," references are given to various discussions on the question in Congress and to a number of reports previously made upon the same subject. The Secretary of State, at the request of the Committee on War-Claims of the House, in 1874, instructed the diplomatic officers of the United States abroad to obtain information in reference to the adjustment of claims of individuals against the government of the countries to which they were accredited. The dispatches containing this information form part of the report above referred to.

It has been held by high authority that a foreigner residing in the country of a belligerent has no claim to indemnity for losses occasioned by acts of war of another belligerent, and that on this principle merchants domiciled at Valparaiso cannot sustain such a claim against Spain or Chili.[7]

[1] 1 Op. At.-Gen., 153 Breckenridge. [2] Comegys *v.* Vasse, 1 Peters, 193. Affirmed in Frevall *v.* Bache, 14 Peters, 95.] [3] 7 Op. At.-Gen., 229. [4] 11 Op. At.-Gen., 52, Bates. [5] 13 Op. At.-Gen., 85, Hoar. [6] H. R. 134, 2d Sess. 43d Cong. [7] 12 Op. At.-Gen., 21, Stanbery.]

On the same principle it has been held that a French subject, naturalized in the United States, cannot maintain an action for property destroyed by the United States at Greytown,[1] Nicaragua.

As it has been decided that the government of Great Britain accords to the citizens of the United States the right to prosecute claims against that government in her courts, British subjects, if otherwise entitled, may prosecute claims against the United States in the Court of Claims.[2]

So may subjects of Prussia,[3] citizens of Switzerland,[4] citizens of France,[5] subjects of Spain,[6] subjects of Belgium,[7] subjects of Italy.[8]

Claims under treaty stipulations are excluded from the general jurisdiction of the Court of Claims. When jurisdiction is conferred by special act, the authority of the court and of the Supreme Court, on appeal, is controlled by the provisions of the act.[9]

Where an award was made under the convention with New Granada of 1857, it was held that the political department of the Government could not refer the case to the commission constituted under the convention with Colombia of February 10, 1864, without the claimant's consent, or affect the claimant's rights against New Granada.[10]

COLOMBIA.

At the opening of the first session of the Twelfth Congress, the House referred to a select committee the part of the President's message relating to the Spanish American Colonies.[11] The Committee, on the 10th of December, reported a joint resolution that "the Senate and House of Representatives will unite with the Executive in establishing with them as Foreign and Independent States such amicable relations and commercial intercourse as may require their legislative authority."[12] A letter from Monroe, then Secretary of State, transmitting a copy of the Declaration of Independence of Venezuela, and saying that he had no information that any other of the Spanish provinces had entered into similar declarations, accompanied the resolution as reported by the Committee.[13] The resolution was allowed to drop.

On the 5th of December, 1817, the House requested the President to lay before it "such information as he may possess and think proper to communicate relative to the independence and political condition of the Provinces of Spanish America."[14] This appears to have been called out by the message of President Monroe on the 2d of December, in which he stated that persons claiming to act under the authority of some of the colonies had taken possession of Amelia Island, off the coast of Florida, and had made of the island a channel for the illicit introduction of slaves from Africa into the United States, an asylum for fugitive slaves from the neighboring States, and a port for smuggling of every kind.[15]

Before the President replied to the resolution, the forces of the United States had occupied Amelia Island. Upon this, "Vincente Pazos, representing himself as the deputed agent of the authorities acting in the name of the Republics of Venezuela, New Granada, and Mexico," pre

[1] Perrin v. U. S., 12 Wallace, 315. See also 6 Pap. Rel. Tr. W., 11–14. British Blue-Book, Franco-German War, No. 4, 1871. [2] Carlyle v. U. S., 16 Wallace, 147. [3] Brown's case, 5 C. Cls. R., 571. [4] Lobsiger's case, Ib., 687. [5] Dauphin's case, 6 C. Cls. R., 221. [6] Molina's case, Ib., 269. [7] De Give's case, 7 C. Cls. R., 517. [8] Fichera's case, 9 C. Cls. R., 254. [9] Ex parte Atocha, 17 Wallace, 439. [10] 13 Op. At.-Gen., 19. Hoar. [11] 1 Annals 1st Sess. 12th Cong., 335. [12] Ib., 428, and 3, F. R. F. 538. [13] Ib., 539. [14] Annals 1st Sess. 15th Cong., 406–8. [15] Ib., 14.

sented to the House of Representatives through the Speaker, on the 11th of March, 1818, a memorial complaining of that occupation.[1] An animated discussion immediately ensued. Forsyth said: "The question then for the House to consider was whether, when the Constitution has placed the conduct of our Foreign Relations with the Executive, a foreign agent shall be permitted to appeal from the Executive to this House."[2] The House by a vote of 127 to 28 refused to receive the memorial.[3]

The report of the Secretary of State, in reply to the resolution of the 5th of December, was transmitted to the House on the 25th of March, 1818. In the interval that had elapsed, a wide discussion on Spanish-American affairs had taken place in the debates upon the Neutrality Laws, and other germane subjects.[4] From this report it appeared that the United Provinces of La Plata had applied to be recognized as independent States.

Extraordinary pains were taken to secure accurate information respecting the widely extended conflict going on between Spain and her colonies. A commission, consisting of Cæsar A. Rodney, John Graham, and Theodoric Bland, was sent to Buenos Ayres and Monte Video, with instructions to make full reports. They did so: and the political, social, commercial, and industrial information which was furnished respecting these countries remains in the public documents of the United States to attest the writer's fidelity, intelligence, and power of giving literary attraction to official reports.[5] A special report on the subject was also obtained from Poinsett,[6] and the whole was transmitted to Congress by the President. The general result of these reports may be summed up thus: To the east of the Andes and south of Brazil, the Government of the United Provinces of the Rio Plata (or of South America) claimed a federal jurisdiction over the whole territory, which was denied and successfully resisted by Paraguay and by the Banda Oriental, and a state of war existed between the United Provinces and the latter State. To the west of the Andes, Chili was in the possession of a dictator, with no representative Government.

In the first Session of the 15th Congress two unsuccessful efforts were made in the House to secure an appropriation for a Minister to the United Provinces. The last vote, taken on the 30th of March, 1818, was 45 yeas to 115 nays.[7]

In the next Session of Congress the House inquired of the President "whether any application had been made by any of the independent governments in South America to have a Minister or Consul-General accredited by the Government of the United States."[8] The President replied that Don Limo de Clemente had applied to be received as the Representative of the Republic of Venezuela, and that David C. De Forest, a citizen of the United States, had applied to be accredited as Consul-General of the United Provinces of South America; and he inclosed the correspondence.[9]

In his message to Congress at the opening of the first session of the next (the 16th) Congress, President Monroe said: "In the civil war existing between Spain and the Spanish Provinces in this Hemisphere, the greatest care has been taken to enforce the laws intended to preserve an impartial neutrality. * * The progress of the war, however,

[1] Annals 1st Sess. 15th Cong., 1251. [2] Ib., 1262. [3] Ib., 1268. [4] 4 F. R. F., 173. [5] 4 F. R. F., 217–323. [6] Ib., 323. [7] 2 Annals 1st Sess. 15th Cong., 1655. [8] 1 Annals 2d Sess. 15th Cong., 544. [9] 4 F. R. F., 412, 418. See also 2 Annals 2d Sess. 15th Cong., 911. For the diplomatic correspondence with Spain respecting this and other questions through this series of years, see 4 F. R. F., 422–626.

has operated * * in favor of the colonies. Buenos Ayres still maintains unshaken the independence which it declared in 1816, and has enjoyed since 1810. Like success has also lately attended Chili, and the provinces north of the La Plata bordering on it, and likewise Venezuela. * * Should it become manifest to the world that the efforts of Spain to subdue these provinces will be fruitless, it may be presumed that the Spanish Government itself will give up the contest. In producing such a determination, it cannot be doubted that the opinion of friendly Powers, who have taken no part in this controversy, will have their merited influence."[1]

Mr. Clay moved on the 4th of April, in this session, that it was expedient to provide by "law a suitable outfit and salary for such Minister or Ministers as the President, by and with the advice and consent of the Senate, may send to any of the Governments of South America which have established and are maintaining their independence against Spain."[2] The motion was carried on the 10th of May, after debate, by a majority of five;[3] but nothing further was done.[4]

In the second session of the 16th Congress Mr. Clay resumed his efforts to secure a political recognition of the revolted States. He moved an appropriation for a mission,[5] but it was defeated.[6] He then moved that the House "participate with the people of the United States in the deep interest which they feel for the success of the Spanish provinces of South America, which are struggling to establish their liberty and independence; and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independency of any of the said provinces."[7] After a debate the motion was carried.[8]

At the opening of the next session of Congress the President said, in his message: "It is understood that the colonies in South America have had great success during the present year in the struggle for their independence. * * It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so, that no conditions short of their independence would be satisfactory to them. It may, therefore, be presumed, and it is earnestly hoped, that the Government of Spain, guided by enlightened and liberal counsels, will find it to comport with its interests, and due to its magnanimity, to terminate this exhausting controversy on that basis. To promote this result, by friendly counsel with the Government of Spain, will be the object of the Government of the United States."[9]

On the 30th of January, 1822, the House requested the President to lay before it communications from the agents of the United States in the revolted States, or from the agents of those States in the United States, which might tend to show the political condition of those Governments, and the state of the war between them and Spain.[10] The President complied with the request in a message on the 8th of March, 1822,[11] which message was also communicated to the Senate on the same day.[12]

In this message the President says: "This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration whether their right to the rank of independent nations, with all the advantages incident to it in their intercourse with the United States, is not com-

[1] 4 F. R. F., 628. [2] 2 Annals 1st Sess. 16th Cong., 1781. [3] Ib., 2229. [4] Ib., note 2230. [5] Annals 2d Sess. 16th Cong., 1071. [6] Ib., 1077. [7] Ib., 1081. [8] Ib., 1091–1092. [9] 4 F. R. F., 739. [10] 1 Annals 1st Sess. 17th Cong., 825–828. [11] Ib., 1238. [12] Ib., 284. See also 4 F. R. F., 818.

plete. Buenos Ayres assumed that rank by a formal declaration in 1816, and has enjoyed it since 1810. * * The provinces composing the republic of Colombia, after having separately declared their independence, were united by a fundamental law of the 17th of December, 1819. * * Chili declared independence in 1818, and has since enjoyed it undisturbed, and of late, by the assistance of Chili and Buenos Ayres, the revolution has extended to Peru. Of the movement in Mexico, our information is less authentic, but it is, nevertheless, distinctly understood that the new Government has declared its independence, and that there is now no opposition to it there, nor a force to make it. * * Thus it is manifest that all those provinces are not only in the full enjoyment of their independence, but, considering the state of the war and other circumstances, that there is not the most remote prospect of their being deprived of it. * * Of the views of the Spanish Government on this subject no particular information has been recently received. * * Nor has any authentic information been recently received of the disposition of other powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition. * * In proposing this measure, it is not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties, but to observe, in all respects, as heretofore, should the war be continued, the most perfect neutrality between them.[1]

On the 4th of May, 1822, Congress passed "An Act making an appropriation to defray the expenses of missions to the Independent Nations on the American Continent." One hundred thousand dollars was the sum appropriated.[2]

In the message at the opening of the following session of Congress,[3] etc., President Monroe said: "With the existing colonies or dependencies of any European Power, we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States."[4]

The general Treaty of Peace, Amity, and Commerce, concluded on the 3d day of October, 1824, between the United States and the Republic of Colombia, (which then consisted of what was afterwards known as New Granada, of Venezuela, and of Ecuador,) was the first of a long series of Treaties with the new Powers.[5]

In the same year a Convention for the Suppression of the African Slave Trade was negotiated with the Republic of Colombia, but was rejected by the Senate.[6]

"The Congress of Panama, in 1826, was planned by Bolivar to secure the Union of Spanish America against Spain. It had originally military as well as political purposes. In the military objects the United States could take no part; and indeed the necessity for such objects ceased when the full effects of Mr. Monroe's declarations were felt. But the pacific objects of the Congress, the establishment of close and cordial relations of amity, the creation of commercial intercourse, of interchange of political thought, and of habits of good understanding between the new republics and the United States and their respective citizens, might perhaps have been attained, had the administration of that day

[1] 4 F. R. F., 819. [2] 3 St. at L., 678. [3] Dec., 1823. [4] 1 Annals 1st Sess. 18th Cong., 22–23.
[5] 5 F. R. F., 696–729. [6] Ib., 729–735.

received the united support of the country. Unhappily they were lost; the new States were removed from the sympathetic and protecting influence of our example, and their commerce, which we might then have secured, passed into other hands, unfriendly to the United States.

"In looking back upon the Panama Congress from this length of time, it is easy to understand why the earnest and patriotic men who endeavored to crystallize an American system for this continent failed. * * One of the questions proposed for discussion in the conference was 'The consideration of the means to be adopted for the entire abolition of the African slave trade,' to which proposition the committee of the United States Senate of that day replied: 'The United States have not certainly the right, and ought never to feel the inclination, to dictate to others who may differ with them upon this subject; nor do the committee see the expediency of insulting other States with whom we are maintaining relations of perfect amity by ascending the moral chair and proclaiming from thence mere abstract principles, of the rectitude of which each nation enjoys the perfect right of deciding for itself.'. The same committee also alluded to the possibility that the condition of the islands of Cuba and Porto Rico, still the possessions of Spain, and still slaveholding, might be made the subject of discussion and of contemplated action by the Panama Congress. 'If ever the United States (they said) permit themselves to be associated with these nations in any general congress assembled for the discussion of common plans in any way affecting European interests, they will, by such act, not only deprive themselves of the ability they now possess of rendering useful assistance to the other American States, but also produce other effects prejudicial to their interests.'"[1]

The printed correspondence respecting this mission will be found in the 5th volume of the Foreign Relations, folio edition, pages 834–905. It was the subject of animated discussions in Congress, which will be found in the second part of the second volume of the Register of Congressional Debates for the year 1826.

In the year 1831 the Republic of Colombia separated into the three independent republics of Ecuador, New Granada, and Venezuela; and New Granada in 1862 took upon itself the name of the "United States of Colombia."

It was while the territory bore the name of New Granada that the Treaty of Amity, Commerce, and Navigation, of December 12, 1846, was concluded.

In 1866 some correspondence took place respecting the construction of the guarantee of the United States in the Treaty of 1846. No result was reached.[2]

On the 23d of April, 1867, the Minister of Colombia at Washington proposed to the Secretary of State to make certain changes in the existing Treaty. At the time these proposals were made, nineteen years had not expired from the date of the exchange of the ratifications of the Treaty; and a question arose whether, under the thirty-fifth article of the Treaty, they operated to terminate it. Mr. Perez, the Colombian Minister at Washington, wrote Mr. Fish, April 15, 1871: "Such documents cannot * be considered as a notification of the cessation of the Treaty, and, in fact, they have hitherto not been so considered. In both countries the Treaty has been and still is considered as being in force." Mr. Fish replied: "Although literally and technically, pursuant to the clause of the 35th Article of that instrument upon the subject, this Go-

[1] S. E. Doc. 112, 2d Sess. 41st Cong., 7, 8. [2] 3 D. C., 1866, 454, *et seq.* [3] F. R., 187 246.

ernment might hold that the application made by General Salgar for a revision of the Treaty in anticipation of a lapse of the time fixed for its termination, might be held to have brought about that result, the intentions of the parties at the time may, as you observe, be allowed to govern the question. General Salgar, in his notice, did not say that if his proposition should not be accepted the Colombian Government would regard the Treaty as at an end, and Mr. Seward does not appear to have received that proposition as a formal notice of termination. His silence upon the subject may fairly be construed as indicative of an opinion on his part that, so far as the interests of the United States were concerned, no change in the Treaty was required, and the form of the application of Colombia may also be construed to imply that, although she might prefer the changes proposed in that application, she did not regard them as indispensable to its continuance. Under these circumstances it may be said to comport with the interests of both parties to look upon the Treaty as still in full force, but as subject to revision or termination in the form and upon the terms stipulated."[1]

[This treaty remains in full force without any modification. The discussions to which it has given rise principally relate to the construction of two stipulations of the 35th Article: (1) the guarantee of New Granada of an "open and free" transit across the Isthmus of Panama to the Government and citizens of the United States; (2) the guarantee of the United States of the "neutrality" of the isthmus. The latter guarantee refers to the former, and is expressly said to be a compensation for it.

The position of the United States has uniformly been that the duty of keeping the transit open and free rests, under the Treaty, upon Colombia, and that the United States is not bound to respond to requests of Colombia for aid in the performance of that duty, unless the "neutrality" of the isthmus, *i. e.*, the sovereignty of Colombia there, is attacked by a foreign power. Significant in this connection is the 1st Article of the claims convention with New Granada of September 10, 1857, in which the Government of New Granada acknowledged its liability for damages caused to citizens of the United States by the riot at Panama on the 15th of April, 1856, "arising out of its privilege and obligation to preserve peace and good order along the transit route." The umpire of the commission organized under this convention held that the question of New Granada's liability in this regard was, for the purposes of the commission, not open to discussion, and declined to admit evidence to show that the riot was beyond the power of the Government to control.

On several occasions the Colombian Government has asked for aid in the protection of the transit against attacks of insurgents, and has sometimes based its request on the stipulation of the United States in regard to "neutrality." The last request of this character was made in April, 1885, during the late political disturbances on the isthmus. The action of the United States in this respect has been guided by a friendly disposition towards Colombia and consideration for the interests of its own citizens; and it has been usual in times of civil tumult to send a force to the isthmus to protect American citizens and property along the transit. But the Government of the United States has always expressly disclaimed any obligation to Colombia under those circumstances. This position is discussed and held to be well-founded in an opinion of Attorney General Speed, Nov. 7, 1865, in which it is said that "it cannot be supposed that New Granada invited the United States to become a party to the intestine troubles of that Government, nor did

[1] F. R., 1871, 247-248.

the United States become bound to take sides in the domestic broils of New Granada. The acceptance of such a guarantee would amount to a surrender of sovereignty on the part of New Granada; * * *. The positive and efficacious guarantee of perfect neutrality mentioned in the treaty must be regarded as having reference to foreign powers."[1]

It was held by Attorney General Akerman that a passenger tax of $2 per head levied in the year 1849 and in subsequent years by the State of Panama, under authority from the Republic of New Granada, on the captains of all vessels embarking or disembarking passengers in that State, was, so far as it affected citizens of the United States crossing the isthmus, a substantial violation of New Granada's guarantee of a free and open transit to the Government and citizens of the United States.[2]

The convention of Feb. 10, 1864, with the United States of Colombia confers on the commission thereby created jurisdiction to determine, and it should determine, whether any and what claims had been presented to, but not decided by, the commission under the treaty with New Granada of Sept. 10, 1857.[3]]

COMMERCE.

[See "*Belgium*," "*Portugal*."]

A provision that no other or higher duties are to be paid on goods imported in vessels of one party than are imposed upon those imported in vessels of the other does not extend to tonnage dues.[4]

[By virtue of the second article of the treaty of April 3, 1783, with Sweden, and the 8th and 17th articles of the treaty with Sweden and Norway of July 24, 1827, the provisions of the 4th article of the treaty with Belgium of July 17, 1858, exempting steam-vessels of the United States and of Belgium, engaged in regular navigation between their respective countries, from the payment of duties of tonnage, anchorage, buoys, and light-houses, became immediately applicable, *mutatis mutandis*, to the steam-navigation between the United States and Sweden and Norway.[5]

Hence, since the 17th of July, 1858, the steamers of the Norse American line (being Swedish and Norwegian vessels), plying regularly between Norway and the United States, have not been liable to the payment of the above-mentioned duties at American ports; and the owners thereof are entitled to have refunded them any moneys they have paid to the customs officers of the United States for such duties subsequent to that date.[6]

In the course of his opinion the Attorney-General said:

"It is stated by the honorable Secretary of State that as yet there has been no line of steam vessels of the United States engaged in regular navigation between the United States and Sweden and Norway. It cannot, therefore, be certainly stated whether tonnage duties would or would not be required of such vessels belonging to this country in the ports of Sweden and Norway. It is to be presumed that they will, when the occasion shall arise, faithfully perform their duty under the treaties; for the obligations imposed by them are reciprocal. But either of the

[1 11 Op. At.-Gen., 391. 2 13 Op. At.-Gen., 547. 3 11 Op. At.-Gen., 402, Speed.] 4 1 Op. At.-Gen., 155, Breckinridge. [5 14 Op. At.-Gen., 468, Williams. For correspondence see H. E. Doc. 62, 1st Sess. 44th Cong. 6 Ib.]

contracting parties may claim the benefit of them, even if the other should never inaugurate regular steam-navigation between the two nations."

Provisions of the 9th article of the treaty with the Hanseatic Republics of December 20, 1827, together with the provisions of the 4th article of the treaty with Belgium of July 17, 1858, considered with reference to the question whether the North German Lloyd Steamship Company is entitled to a refund of the tonnage tax collected in ports of the United States on that company's steamers, whose home port is Bremen; and *held*, upon the facts presented, that the steam-vessels of Bremen plying regularly between that port and the United States have, during the entire period subsequent to the date of the ratification of said treaty with Belgium, been exempt from such tax in American ports by force of the 9th article of said treaty with the Hanseatic Republics: *Held*, also, that where the tax has been exacted and collected from such vessels in American ports, at any time within that period, it should be refunded.[1]

Bremen had been conceding the exemption. The Attorney-General said: "Now, Bremen was not a party to the treaty with Belgium, and was not necessarily cognizant of the provision thereof in which she was collaterally interested; but the United States had that knowledge, and if formal notice from either the United States or Bremen of the provision aforesaid, and of compliance therewith, was necessary, it would seem that notice should have been *first* given by the United States to Bremen. The government of Bremen would then, probably, have answered, giving the facts and the assurances contained in the paper above quoted. However this may be, when the *essential fact* is unquestioned (which could not have escaped the knowledge of the United States) that Bremen has all along been conceding the exemption, it hardly comports with that scrupulous regard for the obligation of treaties which this nation has always cherished to stand upon a point so technical, not to say so trivial, as that of the want of formal notice from Bremen. The condition having been fully performed on her part, her regular steam-navigation is entitled to reciprocal performance in the ports of the United States. In other words, the steam-vessels of Bremen from and after the ratification of the treaty with Belgium were, by the provisions of the 9th article of the treaty of December 20, 1827, exempt from tonnage dues and similar taxes in the ports of the United States; and if in contravention of that article such taxes have been exacted, it is not a valid objection to their being refunded that Bremen did not give formal notice to the United States that the regular steam-navigation of the latter was in like manner exempt in the ports of the former."

This exemption accorded to Belgian vessels ceased with the termination of the treaty of 1858.

The tonnage tax collected from the steamer Smidt in the years 1868, 1869, 1870, and 1872 (it having arrived at the port of New York from Bremen four times in the year 1868, five times in 1869, twice in 1870, and four times in 1872) was exacted in contravention of the treaty of December 20, 1837, between the United States and the Hanseatic towns; the ninth article of which treaty (containing the most-favored-nation clause), when read in connection with the fourth article of the treaty of July 17, 1858, between the United States and Belgium, providing that steam-vessels of the United States and the Hanseatic Towns in *regular*

[1 14 Op. At.-Gen., 530, Williams.]

navigation between the United States and the Hanseatic Towns shall be exempt in both countries from the payment of duties of tonnage, &c.[1]

The word "regular" in that provision is used in contradistinction to *occasional;* it refers to steam-vessels which alone, or with others, constitute *lines*, and not to such as are regular in the sense of being properly documented.[2]

The exaction of tonnage duty, under sec. 15 of the act of July 14, 1862,[3] upon Hanseatic vessels is not in contravention of treaty obligations arising out of the treaty between the United States and the Hanseatic Republics of Dec. 20, 1827.

The section named provided that "a tonnage duty of 10 cents, in addition to any tonnage duty now imposed by law," should be laid upon all vessels "which after the 31st of December, 1862, shall be entered at any custom-house in the United States from any foreign port or place; provided that nothing in this act contained shall be deemed in anywise to impair any rights and privileges which shall have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty or tonnage of vessels."[4]

The claimants contended that the exemption given to Greece by the proclamation of President Van Buren of June 14, 1837,[5] authorized by the act of 1832,[6] by virtue of art. 9 of treaty of December 20, 1827, immediately became common to the Hanseatic Towns, and therefore, as regards the latter, remained unaffected by the act of 1862, being a privilege acquired under a treaty of the United States.

The Hanse Towns did not derive exemption from treaty, and if they had, the act of 1862 did not have sense contended for.

In the course of the opinion the Attorney General said: "It would be a singular result if what is known as *the most favored-nation clause* in treaties were to be allowed an operation to confer privileges *more extensive* than those where concession to another is appealed to and recognized as *the standard* of common enjoyment."[7]

A State cannot impose a tonnage tax on foreign vessels.[8]

A vessel belonging in Canada, and wholly owned in the United States, cannot, under the registry act, be regarded as a vessel of the United States, nor as a foreign vessel wholly belonging to aliens.[9]

The question of the right of a vessel to a register and to carry the flag of the United States discussed.[10]]

CONGO.

[The International Association of the Congo by treaties with the legitimate sovereigns in the basins of the Congo and of the Niadi-Kialun and in adjacent territories upon the Atlantic, having acquired territory for the use and benefit of the Association and that body having established Free States under one flag which offered freedom to commerce and prohibited the slave trade, invited the United States to recognize the flag. The President by and with the advice and consent of the Senate on the 22d day of April, 1884, "recognized the flag of

[1 16 Op. At.-Gen., 276, Devens. 2 Ib. 3 12 St. at L., 558. 4 16 Op. At.-Gen., 626, Phillips, S. G., approved by Devens. 5 11 St. at L., 783. 6 4 St. at L., 578. 7 16 Op. At.-Gen., 628, Phillips, S. G., approved by Devens. 8 Peet *v.* Morgan, 19 Wallace, 581; Cannon *v.* New Orleans, 20 Wallace 577. 9 The Merritt, 17 Wallace, 582. 10 The Virnius, 14 Op. At.-Gen. 340, Williams.]

the International Association of the Congo as that of a friendly government, avoiding in so doing any prejudgment of conflicting territorial claims in that region."[1]]

CONSULS.

[See "*Exterritoriality.*"]

A consul is not a diplomatic officer; is entitled to no diplomatic privilege;[2] and is not exempt from criminal prosecution for offenses against the laws of the country in which he resides.[3]

The second section of the third article of the Constitution provides that the judicial power of the United States shall extend to all cases affecting ambassadors, other public ministers, and consuls. This privilege is not a personal one, and is not waived by an omission to plead it in the court below.[4]

Consuls represent the individual subjects or citizens of their respective nations when there is no other representation, and, when duly recognized, are competent parties to assert or defend the rights of property of their fellow-citizens or subjects in a court of admiralty without special procuration;[5] but they cannot receive actual restitution of the property in controversy without a special authority.[6]

Various treaties have conferred upon foreign Consuls in the United States the power of determining disputes between masters and crews of the vessels of their nationality, and with the aid of the local authorities of arresting and returning deserters from such vessels. Without and independently of a treaty a Consul has no such judicial power.[7] The act of apprehending and delivering the seamen under the Treaties and the acts of Congress to enforce them are judicial and not executive acts.[8]

The act to enforce Treaty provisions respecting disputes between masters and crews was approved June 11, 1864.[9] It is not to take effect as to the ships or vessels of any nation unless the President shall have been satisfied that similar provisions have been made by the other contracting party for the execution of the Treaty, and shall have issued his proclamation to that effect. On the 10th of February, 1870, proclamation was made under this act as to the Treaties with France, Prussia, and the other States of the North German Union, and Italy;[10] and on the 11th of May, 1872, as to the Treaty with Sweden and Norway.[11]

This statute authorizes any court of record of the United States, or any judge thereof, or any commissioner appointed under the laws of the United States to take bail or affidavits, or for other judicial purposes whatsoever, to receive the application of the consular officer, to issue process against the person complained of, and if it shall appear, on his being returned before the magistrate, that he is not a citizen of the United States, and if a prima-facie case shall be made out that the matter concerns only the internal order and discipline of the foreign vessel, and does not affect directly the laws of the United States or the rights and duties of any citizen, then the magistrate shall commit the seaman to prison to abide the lawful order or control of the master:

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[1] President Arthur's annual message, Dec. 1, 1884; F. R. 1884, iv.] [2] 1 Op. At.-Gen., 41, Bradford; Ib., 77, Lee; Ib., 406, Wirt; 2 Ib., 378, Berrien; Ib., 725, Butler. [3] 2 Dallas, 299, Note. [4] Davis *v.* Packard, 7 Peters, 276. [5] The Bello Coruñes, 6 Wheaton, 152. [6] Ib. [7] 2 Op. At.-Gen., 378, Berrien; 6 Ib., 148, Cushing. [8] 9 Op. At.-Gen., 96, Black. [9] 13 St. at L., 121. [10] 16 St. at L., 1130. [11] 17 St. at L., 955.

provided the expenses of the proceeding shall be paid by the consular officer, and the seaman shall not be detained for more than two months after his arrest.

The statute respecting the restoration of deserters was approved March 2, 1829, and was entitled "An act to provide for the apprehension and delivery of deserters from certain foreign vessels in the ports of the United States."[1] It provides "that on application of a consul or vice-consul of any foreign government, having a Treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government while in any port of the United States; and on proof, by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged at the time of desertion to the crew of said vessel, it shall be the duty of any court, judge, justice, or other magistrate having competent power, to issue warrants to cause the said person to be arrested for examination; and if, on examination, the facts stated are found to be true, the person arrested, not being a citizen of the United States, shall be delivered up to the said consul or vice-consul to be sent back," &c.

Another series of Treaties grants to the consuls of the United States in the territories of certain Oriental powers exclusive jurisdiction over disputes between citizens of the United States, or over offenses committed by the citizens of the United States, or both.

The first statute to affirm and regulate this jurisdiction was approved on the 11th of August, 1848.[2] Attorney-General Cushing gave an exhaustive opinion on this statute.[3] In 1860, a new statute was passed,[4] which was amended in 1870.[5] Under these various statutes, the following is the present condition of the law and practice in this respect:

The Consuls and Commercial Agents of the United States at islands or in countries not inhabited by any civilized people, or recognized by any Treaty of the United States, are invested with power to hear and determine cases in regard to civil rights where the debt or damage does not exceed $1,000 exclusive of costs, and also to issue warrants to arrest offenders, to arraign, try, and convict them, and to punish them to the extent of $100 fine, or to imprisonment not to exceed sixty days.

The provisions of the statute of 1860 apply directly to the consulates in China, Japan, and Siam. They apply in terms to Turkey, (see section 21 of the act of 1860,) so far as they relate to crimes and offenses, and as to civil cases, so far as the laws of Turkey permit.

The authenticity of the English version of the Treaty of 1830 with Turkey, under which exterritorial rights had been claimed and allowed, has been recently questioned. The present attitude of the question is set forth in the note entitled "Ottoman Porte."

The operation of the statue of 1860 is extended[6] to Persia, to Tripoli, Tunis, Morocco, and Muscat;[7] to Egypt[8] and to Madagascar, and all other countries with which Treaties may hereafter be made.[9]

The jurisdiction is to be exercised in conformity with—1st, the laws of the United States; 2d, with the common law, including equity and admiralty; and, 3d, with decrees and regulations, having the force of law, made by the Ministers of the United States in such country respectively, to supply defects and deficiencies in the laws of the United States or the common law as above defined.

This power of the Ministers to make such laws and regulations is limited, by instructions from the Department of State, to acts nec

[1] 4 St. at L., 359. [2] 9 St. at L., 276. [3] 7 Op. At.-Gen., 495; see also Ib., 565. [4] 12 St. at L., 72. [5] 16 St. at L., 183. [6] Section 28. [7] Section 29. [8] 14 St. at L., 322. [9] 16 St. at L., 183.

essary to organize and give efficiency to the courts created by the act.

Mr. Fish, on the 26th of February, 1873, instructed the Minister at Japan, on this subject thus: "The authority of a Minister, in an oriental country, to make regulations having the force of law within the country to which he is accredited, is derived from the act of 1860, entitled 'An act to carry into effect provisions of the Treaties between the United States, China, Japan, Siam, Persia, and other countries, *giving certain judicial powers* to ministers and consuls, or other functionaries of the United States in those countries, and for other purposes.'

"The first twenty-eight sections (except the 21st) relate to the treaties referred to in the title. The remainder of the act refers to the 'other purposes.' Sections one, four, and five therefore relate exclusively to the subject of carrying into effect treaty provisions *conferring judicial powers* on Ministers.

"The first section provides that 'to carry into full effect the provisions of the Treaties, &c., * * the Ministers and the Consuls of the United States duly appointed to reside in each of the said countries shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of such Treaty, respectively, *be invested with the judicial authority herein described.*'

"The fourth section defines how those powers are to be exercised: namely, in conformity with the laws of the United States, 'but in all cases where such laws are not adapted to the object,' (*i. e.*, the exercise of such judicial powers,) 'or are deficient in the provisions *necessary to furnish suitable remedies*, the common law, including equity and admiralty, shall be extended in like manner over such citizens and others in the said countries; and if defects still remain to be supplied, and neither the common law, including equity and admiralty, nor the Statutes of the United States, *furnish appropriate and suitable remedies*, the Ministers in the said countries, respectively, shall by decrees and regulations, which shall have the force of law, supply such defect and deficiencies.'

"The fifth section provides that '*in order to organize and to carry into effect the system of jurisprudence* demanded by such treaties, respectively, the said Ministers, with the advice of the several Consuls in each of the said countries respectively, or so many of them as can be conveniently assembled, shall prescribe the forms of all processes which shall be issued by any of said Consuls, and * * * make all such decrees and regulations from time to time as the exigencies may demand; and all *such* regulations, decrees, and orders shall be plainly drawn up in writing, and submitted as above provided for the advice of the Consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, who shall each signify his assent or dissent in writing, with his name subscribed thereto; and, after taking such advice and considering the same, the Minister in the said countries, respectively, may, nevertheless, by causing the decree, order, or regulation to be published, with his signature thereto, and the opinions of his advisers inscribed thereon, make it to become binding and obligatory until annulled or modified by Congress.' * * *

"It is the opinion of the Department that this statute confers upon the Minister in Japan no authority to make a regulation requiring citizens of the United States to register their names, and no power to enforce such a regulation judicially.

"The authority conferred by the act is defined in the first section to be a *judicial* authority. By the fourth section the Minister is required to execute that power in *conformity with the laws of the United States*, with authority to vary from those laws in two cases only; 1. Where

those laws are not adapted to the exercise of the judicial authority con ferred by section one; 2. Where they are deficient in the provisions t furnish suitable remedies. In each of these contingencies the Ministe has authority to make regulations in order '*to furnish suitable and appro priate remedies*,' and for no other purpose whatever.

"The fifth section is still more explicit on this point. Every powe named in this section is recited to be conferred upon the Minister, '*i order to organize and carry into effect a system of jurisprudence.*'"[1]

The power of originating civil and criminal proceedings is vested b the statute in Consular officers exclusively.

They can also, sitting alone, determine all criminal cases where th fine imposed does not exceed five hundred dollars, or the term of impri onment does not exceed ninety days; and may impose fines to the ex tent of fifty dollars, or imprisonment, not exceeding twenty-four hour for contempt committed in the presence of the court, or for failure t obey a summons.

They may also, when of opinion that legal questions may arise i which assistance may be useful, or that a severer punishment is require summon associates, not more than four in number, taken by lot from list to be previously approved by the Minister, to sit with them on th trial, each of whom is to enter upon the record his judgment and opi ion, and to sign the same; but the Consul himself gives the judgment i the case, whether it accords with that of his associates or not.

In trials for capital offenses there must be four associates, who mu all agree with the Consul, in order to convict, and the opinion must b approved by the Minister before there can be a conviction.

They have exclusive jurisdiction in civil proceedings where the dam age demanded does not exceed five hundred dollars.

When the amount demanded exceeds five hundred dollars, or whe the Consul thinks the case involves legal perplexities, and that assis ance will be useful, he may summon to his aid not less than two n more than three associates, to be selected from a list of persons nom nated by the Consul, for the purposes of the act, to the Minister, and a proved by him. They shall hear the case with him. The Consul, ho ever, is to give the judgment. If they agree with him, the judgme is final. If they, or any of them, disagree, the opinions of all are to noted on the record and subscribed by them, and the judgment of t Consul is then subject to appeal.

Such a Consular court cannot, in a suit by a person not a citizen the United States, entertain a set-off further than to the extent of t claim asserted by the plaintiff, and cannot render a judgment against person of foreign birth not a citizen of the United States.[2]

An appeal may be taken in criminal cases from a decision of a Cons acting alone, where the fine exceeds one hundred dollars, or the time imprisonment for a misdemeanor exceeds ninety days.

If associates sit with the Consul in criminal proceedings, (except ca tal,) an appeal can be taken to the Minister only in case of disagreeme between him and one of his associates.

In civil proceedings, in cases arising before the 1st day of July, 187 an appeal can only be taken to the Minister from cases in which as ciates sit with the Consul, and in which there is not an agreement opinion.

In cases arising after the 1st day of July, 1870, an appeal may taken to the Minister from final judgment in the Consular courts of Chi and Japan, where the matter in dispute exceeds five hundred dolla

[1] 1 F. R. 1873., 571. [2] 11 Op. At.-Gen., 474, Speed.

but does not exceed two thousand five hundred dollars, exclusive of costs; and where the matter exceeds two thousand five hundred dollars, exclusive of costs, the appeal may be taken to the Circuit Court for the district of California.

There are also regulations for appeals from the judgments of Ministers to the Circuit Court of California.

In Tunis, Morocco, and Tripoli, citizens of the United States committing murder or homicide upon a subject of those powers are to be tried by a mixed court, at which the Consul is to "assist."

The undisputed portion of the fourth article of the Treaty of 1830 with the Ottoman Porte provides for the supervision of the American Dragoman in the hearing of all litigations and disputes arising between the subjects of the Sublime Porte and citizens of the United States.

It is not in dispute that the usages observed towards other Franks are to be observed toward citizens of the United States. These usages are believed to be the following:

1. Turkish tribunals for questions between subjects of the Porte and foreign Christians.

2. Consular Courts for the business of each nation of foreign Christians.

3. Trial of questions between foreign Christians of different nations in the Consular Court of the defendant's nation.

4. Mixed tribunals of Turkish magistrates and foreign Christians at length substituted in part for cases between Turks and foreign Christians.

5. Finally, for causes between foreign Christians, the substitution at length of mixed tribunals in place of the separate courts; this arrangement introduced at first by the Legations of Austria, Great Britain, France, and Russia, and then tacitly acceded to by the Legations of other foreign Christians.

A provision in a Treaty that a Consul may ex officio administer upon the estates of citizens of his nationality dying within his jurisdiction without legal heirs there, gives no right of reclamation against the United States for the value of the property of such a decedent improperly administered on by a State Court, unless the Consul first exhausts his remedies at law to prevent such State administration.[1]

[Judicial powers are not necessarily incident to the office of consul, although usually conferred in non-Christian countries.

The Supreme Court of the United States has held that the treaties with the Ottoman Empire of 1830 and 1862 concede to the United States the same privileges in this respect as are enjoyed by other Christian nations, which may be exercised by the consuls.[2]

In the revision of the Statutes the acts to carry into effect treaty provisions with certain non Christian countries[3] appear in Title 47.

In the enumeration of consular officers, upon whom judicial duties are devolved, consuls-general and vice-consuls were omitted in the revision of the Statutes.[4] The omission was rectified by an act of Congress approved February 1, 1876.[5]

The Federal court in California has considered the requisites in cases of appeal from the consular and ministerial courts of China and Japan to the circuit court of the district of California.[6]

A consul cannot be required to certify to the official character or acts of a foreign notary public.[7]

[1] 9 Op. At.-Gen., 383, Black. [[2] Dainese *v.* Hale, 91 U. S. C. C., 13. [3] June 22, 1860; July 28, 1866; July 1, 1870. [4] R. S., §§ 4083 to 4130. [5] 19 St. at L., 2. [6] Steamer Spark Lee Choi Chum, 1 Sawyer, 713. [7] 12 Op. At.-Gen., 1, Stanbery.]

A consul has no authority, since the passage of the act of 1872, t demand and receive from the master of a vessel the money and effects o a deserter.[1]

The consular officers named in article 10 of the treaty of 1828 wit Prussia, have exclusive jurisdiction in a claim made by the crew agains the vessel for the recovery of wages.[2]

An act[3] of Congress approved March 23, 1874, authorized the Presi dent, when he should receive satisfactory information that the Ottoma government, or that of Egypt, had organized new tribunals likely t secure to citizens of the United States the same impartial justice en joyed under the exercise of judicial functions by diplomatic and consula officers, pursuant to the act of June 22, 1860, to suspend the operatio of such act and to accept for citizens of the United States the jurisdic tion of such new tribunals. The Department of State having been in formed of the organization of such tribunals in Egypt, the President upon March 27, 1876, issued a proclamation[4] suspending, during th pleasure of the President, the operation of the act of June 22, 1860, withi the dominions of the government of Egypt, so far as the jurisdiction o the new tribunals embraced matter cognizable by the minister, consuls or other functionaries of the United States in said dominions, except a to cases in progress.

The question of the judicial authority of consuls over persons servin on American vessels in China and Japan has been construed as author izing consular officers to assume jurisdiction where offenses are com mitted on shore by foreigners serving on board American merchant vessels, when such foreigners are citizens or subjects of countries havin no treaty engagements upon the subject with China and Japan, or when being subjects or citizens of treaty-powers, their own consuls decline t assume jurisdiction.[5]

Persons serving on board national vessels who have committed offense on shore in Japan and China are held to be subject to the jurisdictio of the consul of the country under whose flag they are serving.[6]

A sentence of imprisonment rendered by a consular court cannot b legally executed beyond the territorial jurisdiction of the court. Per sons convicted at Smyrna or Constantinople cannot, therefore, be brough to the United States for imprisonment.[7]

But transfers have been made under conditional pardon. In Janu ary, 1880, one O'Neil was sentenced to twenty years' imprisonment fo manslaughter by the Consular Court for Osaka and Hiogo, Japan. Thi sentence was commuted by conditional pardon to ten years' imprison ment, to be served in the United States consular jail at Kanagawa. I January, 1882, the President ordered his transfer to San Quentin, Cali fornia. Mirzan was convicted of murder at Alexandria, Egypt, an sentenced to be hanged, but his sentence was commuted, July 29, 1880 to imprisonment for life in the United States prison at Smyrna. I August of 1882 the President directed that the prisoner be transferre to Albany, New York, and that the remainder of his sentence be serve out at that place.[8] See, also, the case of John Ross, under title "Ex territoriality."

A consul of the United States in China cannot entertain a crimina charge against a citizen or subject of another power.[9]

In 1874 the German Government raised objection to the taking o testimony by consuls of the United States in Germany except as pr

[[1] 14 Op. At.-Gen., 520, Williams. [2] The Elwine Kreplin, 9 Blatchford, 438. [3] 18 Sta at L., 23. [4] 19 Stat. at L., 662. [5] MS. Dept. of State. [6] Ib.. [7] 14 Op. At.-Gen., 52 Williams. [8] MS. Department of State. [9] 1 F. R., 1873, 139.]

vided by article 9 of the treaty of 1871 with the German Empire. The Department of State endeavored to induce the German authorities to permit testimony to be taken with the same freedom as in the United States, but without effect, it being stated that the law of Germany provided for letters rogatory in such cases.[1]]

COREA.

[On the 22d day of May, 1882, a treaty of peace, amity, commerce and navigation was concluded with Corea. Diplomatic intercourse was opened in the spring of 1883 by the United States appointing an Envoy Extraordinary and Minister Plenipotentiary.[2] In the fall of the same year a Minister Plenipotentiary and Envoy Extraordinary[3] and a Vice Minister from Corea were received by the President.]

DENMARK.

Quasi relations were opened with Denmark during the War of the Revolution by Dr. Franklin, who, on the 22d of December, 1779, in a letter to M. Bernstorff, Minister for Foreign Affairs at Copenhagen, remonstrated against the seizure of American prizes within the territorial jurisdiction of the King of Denmark.[4] This question lingered into the middle of the present century.

On the 27th of February, 1783, the Danish Minister for Foreign Affairs wrote a letter to Mr. de Walterstorf, one of his countrymen, in which he said: "As I know you are on the point of making a tour to France, I cannot omit recommending to you to endeavor, during your stay at Paris, to gain as much as possible the confidence and esteem of Mr. Franklin. * * You have witnessed the satisfaction with which we have learned the glorious issue of this war for the United States of America, and how fully we are persuaded that it will be for the general interests of the two States to form, as soon as possible, reciprocal connections of friendship and commerce. Nothing certainly would be more agreeable to us than to learn by your letters that you find the same dispositions in Mr. Franklin."[5]

De Walterstorf went to Paris, and made the acquaintance of Franklin, and assured him that the King had a strong desire to have a Treaty of Friendship and Commerce with the United States. Franklin informed Robert Livingston of the advances, and suggested that Congress should send the necessary powers for entering into the negotiations;[6] but nothing came of it. Franklin would not go on without a special power,[7] and no special power came.

It was not until 1826 that a Commercial Convention was concluded at Washington with Denmark. This was transmitted to Congress with President Adams's message at the beginning of the second session of the 19th Congress.[8]

At that time claims were also pending against Denmark, for spoliations during the wars of Napoleon.

[[1] F. R., 1874, 462; 1 F. R., 1875, 537, 562, 573. [2] F. R., 1883, 243. [3] Ib., 249.] [4] 8 Franklin's Works, 407. See also Ib., 425, 433, and 462; and see W. B. Lawrence, note 5, in his edition of Wheaton, for a history of this case. [5] 9 Franklin's Works, 487–488. [6] Ib., 512. [7] Ib., 537. [8] 6 F. R. F., 266.

"The allegations on which the seizure and condemnation of American vessels and their cargoes were made and attempted to be justified were principally three. 1. The possession of false and simulated papers, by which, it was alleged, an American character was stamped on British property. 2. Sailing under British convoy, whereby, it was alleged, our vessels lost the immunities of our flag, and subjected themselves to be treated as British property; and, 3. The possession of French consular certificates of origin after the French consuls were forbidden to give them, except to vessels sailing direct to French ports."

The reclamations were first made on the 23d of June, 1811, by Ewing, United States Minister at Copenhagen, in a note to de Rosenkrantz, Danish Minister for foreign affairs. "The total amount of captures in 1809 and 1810 was 160, of which cases 42 (including 16 of vessels which had broken the embargo or non intercourse, or were otherwise not genuine American cases) were condemnations, and 24 were pending, including 10 convoy cases. In 1811, previous to the date of Ewing's letters, two vessels were taken and condemned in Norway, and two others were then under trial there; making in all 28 cases as the subject of Ewing's communication to the Danish Minister of State." Subsequent representations were made from time to time without reaching a result. Danish courts continued to exercise the objectionable jurisdiction and to make condemnation. To the complaints of the United States against the long delay in answering, response was made that certain Danish claims on the United States had remained unsettled since 1799."[3] The extreme poverty of the Danish government[4] was also put forward. At length, on the 20th of June, 1818, the Danish Minister of State replied that the King of Denmark could not admit that causes definitively terminated by competent tribunals can be made a subject of litigation.[5] The negotiations, which were carried on successively by Ewing, by Forbes, by Campbell, and by Hughes, without result, were taken up by Wheaton in 1828, under instructions from Clay, Secretary of State, and were brought to a successful issue in March 1830.[6]

The Danish objection to the claims was thus stated in a note of August 17, 1825, to Hughes: "The sentences by which vessels bearing the flag of the United States have been released or condemned by the prize tribunals, or high court of admiralty, are without appeal, and cannot, without derogating from that which has been established from the remotest times in the Danish Monarchy, be altered or annulled." In a paper of marked ability Wheaton controverted this. He said: "The institution of these tribunals, so far from exempting or being intended to exempt the sovereign of the belligerent nation from responsibility, is designed to fix and ascertain that responsibility. Those cruisers are responsible only to the sovereign whose commission they bear. So long as seizures are regularly made upon apparent grounds of just suspicion, and followed by prompt adjudication in the usual mode, and until the acts of the captors are confirmed by the sovereign in the sentences of the tribunal appointed by him to adjudicate in matters of prize, the neutral has no ground of complaint, and what he suffers is the inevitable consequence of the belligerent right of capture. But the moment the decision of the tribunal of last resort has been pronounced against the claimant, (supposing it not to be warranted by the facts of the case and the law of nations as applied to those facts,) and

[1] Clay to Wheaton, May 31, 1827, H. Doc. 49, 1st Sess. 22d Cong. [2] MS. Dept. of State. [3] Forbes to Secretary of State, 20 Dec., 1817. MS. Dept. of State. [4] Ib. [5] MS. Dept. of State. [6] See Wheaton's paper, H. Doc. 249, 1st Sess. 22d Cong., 22 *et. seq.*, for a brief sketch of the negotiations prior to his mission. [7] Ib., 24.

justice has thus been finally denied, the capture and the condemnation become the acts of the State, for which the sovereign is responsible to the government of the claimant. * No greater sanctity can be imputed to the proceedings of prize tribunals, even by the most extravagant theory of the conclusiveness of their sentences, than is justly attributed to the acts of the sovereign himself. But those acts, however binding on his own subjects, if they are not conformable to the public law of the world, cannot be considered as binding on the subjects of other States. A wrong done to them forms an equally just subject of complaint on the part of their government, whether it proceed from the direct agency of the sovereign himself, or is inflicted by the instrumentality of his tribunals."[1]

The claimant sent an agent to Copenhagen, with power to agree upon a compromise sum in gross. The King of Denmark offered to pay half a million marcs-banco of Hamburg.[2] Wheaton said that the United States would consent to accept three millions of marcs-banco.[3] The parties agreed at length upon six hundred and fifty thousand Spanish milled dollars. In informing Mr. Van Buren of the signature of the Treaty, Wheaton said: "I have not before me sufficient material from which to form a judgment as to the real amount of the losses unjustly sustained by our citizens from Danish captures. You will find that Mr. Ewing, in his correspondence, estimates the actual loss at about $1,750,000, reckoning about thirty-five condemnations 'quite unjust,' to use his own expression. But supposing the real injury to have been considerably greater, the sum now recovered, considering the diminished resources of this exhausted country, will, I trust, be considered as a tolerable salvage from this calamitous concern."[4]

The Convention of 1857 with Denmark for the discontinuance of the Sound Dues was communicated to Congress by President Buchanan on the 14th of January, 1858.[5]

On the 24th of October, 1867, a Treaty was signed at Copenhagen for the cession of the island of St. Thomas to the United States. It was not assented to by the Senate. Correspondence relating to it was communicated to the Senate on the 19th of January, the 20th of January, and 17th of February, 1869.

[The statute provision for the surrender of deserting seamen, (act March 2, 1829, 4 St. at L., 359,) applies only to the seamen of countries with which a treaty exists to that effect. There is no provision to that effect in the treaty of April 26, 1826, between the United States and Denmark.[6]]

DOMINICAN REPUBLIC.

The relations between the Dominican Republic and the United States, and between the Dominican Republic and Hayti, were the subject of a report from the Secretary of State to the Senate on the 16th of January, 1871.[7] A Convention for the annexation of St. Domingo to the United States was then pending, and is among the papers enclosed in the report of the Secretary. The Convention was not approved by the Senate.[8]

[1] See Wheaton's paper, H. Doc. 249, 1st Sess. 22d Cong., 22 *et. seq.*, for a brief sketch of the negotiations prior to his mission. [2] Ib., 19. [3] Ib., 20. [4] Wheaton to Van Buren, March 29, 1830, MS. Dept. of State. [5] S. E. Doc. 28, 1st Sess. 35th Cong. See Lawrence's note 110, pages 333 to 338, Lawrence's Wheaton, for a sketch of previous negotiations on this subject. [[6] 6 Op. At.-Gen., 148, Cushing.] [7] S. E. Doc. 17, 3d Sess. 41st Cong. [8] See also Globe, 1st Sess. 42d Cong., 86–88; 233–235; 253; 294–307; 314–316; 327–329; 469–474; 523–534; 598; 814–817.

ECUADOR.

The Treaty of 1839 was transmitted to Congress with the President's Message with the beginning of the 3d Session of the 27th Congress.[1]

[In 1872 treaties of extradition and naturalization were concluded.]

EXTERRITORIALITY.

[See "*Consuls*," "*Ottoman Empire*."]

The rights of exterritoriality enjoyed by citizens of the United States in certain Oriental countries are considered under the Title "Consuls;" the Consular officers being the persons entrusted with the enforcement of those rights.

The Tribunal of Arbitration at Geneva held that "the privilege of exterritoriality, according to vessels of war, had been admitted into the law of nations, not as an absolute right, but solely as a proceeding founded on the principle of courtesy and mutual deference between different nations."[2] This is in accordance with the settled practice of the United States. Attorney-General Lee, in the early days of the Republic, gave his opinion that it is lawful to serve either civil or criminal process upon a person on board a British man-of-war lying within our territory.[3]

[The Secretary of State, in an instruction[4] to Mr. DeLong, dated December 20, 1870, informed him that it was understood by the Department of State that the power conferred upon a minister by sections 5 and 6 of the act approved June 22, 1860, was confined to providing a course of procedure in pursuing judicial remedies, and did not extend to the creation of new rights or duties, or to the modification of personal rights and obligations under existing law. The regulations for the consular courts in Japan proposed by Mr. DeLong which were of a mixed character, containing regulations as to procedure and new enactments, were submitted to Congress,[5] but no action was taken.

Upon several occasions the Department has expressed the view that no authority was conferred upon diplomatic officers to create new offenses, or prescribe new punishments for offenses. When regulations have been proposed containing penal provisions in reference to the sale of liquor, &c., it was held that such power was not conferred upon ministers or consuls.[6] In a dispatch[7] from the minister of the United States in Japan to the Secretary of State, it is stated that, with the exception of the consuls of Germany and Holland, it does not appear that consuls in Japan have authority to make regulations having the force of law.

Question has arisen as to the right of the government of Japan to enact regulations providing for security and good order, such as pilotage, municipal or hunting regulations, and to make them binding on foreigners. On such subjects it seems necessary that power to enact binding regulations should exist somewhere, and while a disposition has been manifested to put such regulations, when approved, in force as against foreigners, it has been insisted at the same time that all prosecutions against citizens of the United States for the infringement thereof must be conducted in the consular courts of the United States as provided by treaty.

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[1] S. E. Doc. 11, 3d Sess. 27th Cong. [2] 4 Pap. Rel. Tr. W., 50. [3] 1 Op. At.-Gen., 87. [4] S. E. Doc. 25, 3d Sess. 41st Cong.; see also S. E. Doc. 20, 3d Sess. 40th Cong. [5] S. E. Doc. 25, 3d Sess. 41st Cong. [6] 2 F. R., 1875, 777, 782 [7] Ib., 799.]

The Japanese government has from time to time proposed hunting[1] regulations, and also fishing[2] regulations.

By an order in council of the 25th of October, 1881, the ministers of Her Britannic Majesty in China and Japan are authorized from time to time to make, subject to the provisions of the order, such regulations as may to them "seem fit for the peace, order, and good government of British subjects resident in or resorting to" China and Japan.[3]

In an instruction to Mr. Bingham, minister to Japan, under date of January 20, 1876, Mr. Fish expressed the opinion that citizens of the United States residing in the "foreign quarter" in Nagasaki might be sued by the municipal council in the consular court of the United States for non-observance of municipal ordinances.[3]

The question of criminal jurisdiction of consuls of the United States in Japan over foreigners duly enrolled as seamen on American merchant vessels has been much discussed, and in a recent case was decided by the Department of State, adversely to the opinion sometimes formerly expressed,[4] in favor of such jurisdiction. John Ross, a British subject, shipped as a seaman on an American merchant vessel, murdered the second-mate on board the vessel, while in the port of Yokohama, was tried by the consul-general there, convicted, and on the 20th of May, 1880, sentenced to death. His sentence was commuted by the President, and he was removed to the United States to undergo life imprisonment at Albany, N. Y. "The British court at Yokohama claimed jurisdiction by reason of Ross' alleged British citizenship. The position taken by this government and adhered to was that the United States, in virtue of its legislation in extending the laws thereof over its citizens in foreign countries, 'and *over all others*, to the extent that the terms of the treaties, respectively, justify or require' (section 4086, Revised Statutes), and under the articles of the treaty with Japan, must consider a foreign seaman duly enrolled on an American merchant vessel as subject to the laws and entitled to the protection of the United States precisely to the same extent that a native-born seaman would be during the period of his service."[5]

No foreign power can rightfully erect any court of judicature within the United States, unless by force of a treaty.[6]]

EXTRADITION.

The Statutes conferring upon the courts the power to enforce the various Extradition Treaties are, the Act of August 12, 1848,[7] and the act of June 22, 1860.[8]

The crime for which the extradition of the accused is demanded must be a crime committed within the territorial jurisdiction of the Power which makes the demand.[9]

In the absence of a Treaty there is no law which authorizes the President to deliver up any one found in the United States who is charged with having committed a crime against a foreign nation.[10]

Under the Treaty with Great Britain it is necessary to prove such facts as would justify the apprehension of the criminal and his commit-

[1] 2 F. R., 1875, 774. [2] Ib., 820, 829. [3] S. Mis. Doc. 89, 1st Sess. 47th Cong. [4] F. R. 1873, 139, Mr. Fish to Mr. Low, Jan. 8, 1873; also 11 Op. At.-Gen. 474, Speed. [5] S. E. Doc. 21, 1st Ses. 47th Cong. [6] Glass *v.* the sloop Betsey, 3 Dallas, 6.] [7] 9 St. at L., 302. [8] 12 St. at L., 84. For a sketch of negotiations in this respect see Lawrence's Wheaton, note 78, page 236. [9] 1 Op. At.-Gen., 83, Lee., 8 Ib., 215, Cushing. Vogt's case, 5 Ib., Williams. [10] Holmes *v.* Jennison, 14 Peters, 540. 2 Op. At. Gen., 452, Taney. Ib., 559, Taney. 6 Ib., 85, Cushing. See also Dana's note (Dana's Wheaton) No. 78, pages 182–184.

ment for trial at the place where the arrest is made.[1] The mode of procedure in such case examined.[2]

The same rule exists in regard to France.[3]

Any foreign government entitled by Treaty to the extradition of a fugitive from justice, may apply to the courts in the first instance; but, if requested, the President will issue a previous authorization.[4] In Kaine's case[5] a portion of the court seemed to think that the President's mandate was necessary for the commencement of the proceedings. If there is no diplomatic agent, the application may be made through some other recognized channel.[6] A clerical error in the letter authorizing commencement of proceeding is immaterial.[7]

Only *prima-facie* evidence of the commission of the crime is necessary.[8] But a mere notification is not sufficient *prima-facie* evidence.[9]

Where a person claimed as a fugitive from justice is under examination before a Commissioner of the United States, a State court cannot revise the case on Habeas Corpus.[10]

Constructive Larceny, or Embezzlement, is not among the causes of extradition provided for by the Treaty of 1842 between Great Britain and the United States.[11]

On the 28th of February, 1856, the case of a breach of trust was not embraced among the crimes for which extradition would be demanded in the United States by France.[12] The term "public officers," or "public depositaries," in a Treaty, signifies officers or depositaries of the government only, and does not comprehend officers of a railroad company.[13] See a note by Mr. Cushing in the Appendix to the 8th Volume of the Opinions of the Attorneys-General for a *résumé* of the then subsisting Treaties of Extradition.

The expenses of counsel in conducting legal proceedings for extradition are to be borne by the government making the demand.[14]

Unless otherwise provided by Treaty it is immaterial whether the person demanded is or is not a citizen of the United States.[15]

[In the construction of treaties, the general doctrine is, that any special advantage conceded by a party under one article of the compact is in consideration of all the advantages enjoyed by the same party under that and all other articles. Engagements of extradition, whether of fugitives from justice or from service, stand in each case on particular stipulations of treaty, and are not to be inferred from the favored nation clause in treaties.[16]

It was held in a case arising under the extradition treaty with France of 1843, that where a district judge, at his chambers, decided that there was sufficient cause for the surrender of a person claimed by the French government, and committed him to custody to await the order of the President, the Supreme Court had no jurisdiction to issue a habeas corpus for the purpose of reviewing that decision.[17]

In May, 1872, the governor of the State of New York, at the request of the minister of Belgium, issued a warrant for the extradition of one Carl Vogt, charged with the commission of murder and arson in Belgium. The accused obtained a *habeas corpus*, and was discharged. The question was afterward carried to the court of appeals of New York,

[1] 4 Op. At.-Gen., 201, Nelson. [2] See Kaine's case, 10 N. Y. Leg. Obs., 257. The British Prisoners, 1 Woodbury & Minot, 66. Ware's case, 3 N. Y. Leg. Obs., 346. Heilbron's case, 12 N. Y. Leg. Obs., 65. [3] 4 Op. At.-Gen., 330, Nelson. See Veremaitre's case, 9 N. Y. Leg. Obs., 129. [4] 6 Op. At.-Gen., 91, Cushing. [5] 14 Howard, 103. [6] 8 Op. At.-Gen., 240, Cushing. [7] Ib. [8] 6 Ib., 217, Cushing. [9] 7 Ib., 6, Cushing. [10] 6 Ib., 237, 290, Cushing. [11] Ib., 431, Cushing. [12] 7 Ib., 643, Cushing. [13] 8 Ib., 106, Cushing. [14] 9 Ib., 497, Black. [15] Wharton's State Trials, 392. [[16] 6 Op. At.-Gen., 148, Cushing. [17] *In re* Metzger, 5 Howard, 176.]

which finally decided that the governor of the State of New York had no power to issue a warrant of extradition.[1]

This decision was unanimous, and in accord with the universal practice and understanding on the question.

In November, 1872, on the application of the German minister, a preliminary mandate was issued by the Department of State, under the convention of 1852 with Prussia and other states, for the arrest of the same person, charged with arson, murder, and robbery, who was represented to be a fugitive from the justice of the German Empire. It was alleged that Stupp, also known as Vogt, was a subject of the King of Prussia, who had committed these offenses at Brussels, in the kingdom of Belgium; and extradition was demanded on the ground that, by the laws of Prussia, a Prussian subject who had committed such crimes in a foreign country was justiciable before its courts. The prisoner obtained a *habeas corpus*, and it was held by the district judge, after a discussion of the whole subject of the meaning of the words "within the jurisdiction of the other" in the treaty, that the case was within the treaty.[2] The Secretary of State thereafter submitted the question to the Attorney-General, who held that, although by the law of Prussia the accused might be justiciable in that country for an offense committed elsewhere, yet the provisions of the treaty did not apply to an offense committed in another country.[3] A warrant of surrender was therefore refused. The Belgium minister thereupon addressed the Secretary of State,[4] requesting the surrender of the criminal as a matter of comity, although no treaty existed with Belgium. Mr. Delfosse was informed[5] that there were grave doubts as to the power of the President so to do, and the request was refused. On the 19th of March, 1874, a treaty was negotiated with Belgium, under which Vogt was surrendered.

The question has been discussed in several cases, whether a commissioner has jurisdiction to entertain proceedings for the apprehension of a fugitive from justice, under a treaty, without a mandate or authority for his apprehension from the Executive Department of the Government.[6]

In a subsequent case it was held that where, by the terms of the treaty of extradition, an Executive mandate is not required, as a prerequisite, it is not necessary,[7] nor is it necessary, that a warrant of arrest should have been issued or proceedings had against the accused in a foreign country.[7]

It was held that, under the convention of 1868 with Italy, a person may be surrendered for the crime of murder committed before the making of the treaty.[8]

Writs of *habeas corpus* and *certiorari* may be issued where a person is held in custody under the commitment of a commissioner, but it has been held that the court will not revise the decision of the commissioner on the question of fact as to the criminality of the accused. Such an examination is held to be reserved for the political department of the Government.[9]

In the revision of the statutes, the provisions of the act of June 22, 1860, as to evidence in extradition cases, were omitted. This error was rectified by the passage of an act entitled "An act to amend in section 5271 of the Revised Statutes of the United States, relating to extradition," approved June 19, 1876.[10]

[1 People *ex rel.* Barlow *v.* Curtis, 50 N. Y., 321. 2 *In re* Stupp, 11 Blatchford, 124. 3 14 Op. At.-Gen., 281, Williams. 4 Mr. Delfosse to Mr. Fish, July 24, 1873, 1 F. R., 1873, 80. 5 Mr. Davis to Mr. Delfosse, 1 F. R., 1873, 81. 6 *In re* Macdonell, 11 Blatchford, 79. 7 *In re* Thomas, 12 Blatchford, 370. 8 *In re* De Giacamo, 12 Blatchford, 391. 9 *In re* Stupp, 12 Blatchford, 502. 10 19 St. at L., 59.]

A warrant of extradition cannot be used after the discharge of a prisoner, on account of delay, as a warrant for his re-arrest.[1]

Under the extradition treaty with France a public officer of the United States who embezzles money and takes refuge in France may be demanded for trial.[2]

A prisoner in custody, in proceedings taken for extradition, may be held upon a second warrant issued against him for a distinct offense under the treaty, although discharged upon the warrant first issued, for want of sufficient evidence.[3]

In the month of February, 1876, a requisition was made upon the government of Great Britain for the surrender of one Ezra D. Winslow, charged with forgery, who was arrested in London and regularly committed for extradition under the 10th article of the treaty of 1842. The British government declined to surrender the fugitive unless a stipulation or an assurance was given that he should not be tried for any offense other than the particular offense for which he should be surrendered, pursuant to the requirements of the British extradition act of 1870. The United States declined to give any stipulation or make any agreement not provided by the terms of the treaty, and a long correspondence ensued, which was submmitted to Congress June 10, 1876.[4] Afterward, and on June 15, 1876, Winslow was discharged, and other fugitives in like condition were also discharged.

The President thereupon communicated these facts to Congress in a message dated June 20, 1876,[5] in which he stated: "The position thus taken by the British government, if adhered to, cannot but be regarded as the abrogation and annulment of the article of the treaty on extradition. Under these circumstances it will not, in my judgment, comport with the dignity or self-respect of this Government to make demands on that government for the surrender of fugitive criminals nor to entertain any requisition of that character from that government under the treaty."

The President also submitted to Congress the question whether the 10th article of the treaty of 1842 should be any longer regarded as binding, and stated that he should not, without an expression of the wish of Congress to that end, "take any action either in making or granting requisitions for the surrender of fugitive criminals under the treaty of 1842."

He also stated that he felt it his "duty to decline to entertain a proposition made by Great Britain, pending its refusal to execute the existing treaty, to amend it by practically conceding by treaty the identical conditions which that government demands under its act of Parliament. In addition to the impossibility of the United States entering upon negotiations under the menace of an intended violation or a refusal to execute the terms of an existing treaty, I deemed it unadvisable to treat of only one amendment proposed by Great Britain while the United States desires an enlargement of the list of crimes for which extradition may be asked, and other improvements which experience has shown might be embodied in a new treaty."

On the 27th of October, 1876, Sir Edward Thornton informed Mr. Fish "that Her Majesty's Government, having regard to the very serious inconvenience and great encouragement to crime which would arise from the continued suspension of the extradition of criminals between the British Dominions and the United States, will be prepared, as a temporary measure, until a new extradition treaty can be concluded, to put in force all powers vested in it for the surrender of ac-

[1 12 Op. At.-Gen., 75, Stanbery. 2 Ib., 326. 3 *In re* Macdonell, 11 Blatchford, 170.
4 H. E. Doc. 173, 1st Sess. 44th Cong. 5 H. E. Doc. 178, 1st Sess. 44th Cong.]

cused persons to the Government of the United States under the treaty of 1842, without asking for any engagement as to such persons not being tried in the United States for other than the offenses for which extradition has been demanded.

"It is, however, to be borne in mind that each government has the right laid down in the eleventh article of the treaty of 1842, which provides that the tenth article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer."[1] The British Government having concluded to surrender the fugitives the obstacles to the carrying out of the extradition treaty were removed.

The government of Canada did not coincide in the views of the home government, as in cases arising during the discussion of the question by the two governments the authorities of Canada were ready to deliver up persons charged with crime under the treaty as before. It would have been, however, impossible to have executed the treaty in part.

The correspondence as published gives a complete history of the case, and discusses the whole question of extradition under the treaty of 1842.[2]

This question has been judicially settled by the Supreme Court in the case of William Rauscher, decided December 6, 1886. Rauscher was an officer of an American vessel, who was extradited from Great Britain on the charge of murdering a seaman, and who was afterward brought to trial for the cruel and unusual punishment of the same sailor whom he was charged with murdering. The decision of the Supreme Court was in effect that a person who has been brought within the jurisdiction of a court by virtue of proceedings under an extradition treaty can only be tried for one of the offenses prescribed in the treaty, and for the offense with which he is charged in the proceedings for his extradition, until a reasonable time and opportunity have been given him after his release or trial on such charge, to return to the country from which he was extradited. Waite, Ch.-Justice, dissented from the opinion of the court on the ground that he could find in the treaty in question, that with Great Britain of 1842, nothing that forbade a trial for any other offense than that for which extradition was granted.[3]

The fees and practice in extradition cases have been regulated by an act approved August 3, 1882.[4]]

FRANCE.

[See "*Aliens*," "*Cession of Territory*," "*Claims*," "*Spain*."]

The introductory note sets forth with sufficient minuteness the circumstances under which the Treaties of Alliance and of Amity and Commerce of 1778, and the Consular Convention of 1788 were concluded. The latter is the only one of the Treaties concluded before the adoption of the Constitution which has received the constitutional assent of the Senate.

On the 25th of January, 1782, the Continental Congress passed an act authorizing and directing Dr. Frankin to conclude a Consular Convention with France on the basis of a scheme which was submitted to that body. Dr. Franklin concluded a very different convention, which Jay, the Secretary for Foreign Affairs, and Congress did not approve.[5]

[1] F. R. 1877, 276. [2] F. R. 1876, 204–309; F. R. 1877, 271–289; H. Ex. Doc. 173 and 178; S. Ex. Doc. 79, 1st Sess. 44th Cong.; and H. Ex. Doc. 15, 2d Sess. 44th Cong. [3] U. S. *v.* Rauscher, 119 U. S. 407. [4] 22 St. at L., 215.] [5] 1 D. C., 1783–89, 232.

Franklin having returned to America, the negotiations then fell upon Jefferson, who concluded the Convention of 1788. This was laid before the Senate by President Washington on the 11th of June, 1789.

On the 21st of July it was ordered that the Secretary of Foreign Affairs attend the Senate to-morrow and bring with him such papers as are requisite to give full information relative to the Consular Convention between France and the United States.[1] Jay was the Secretary thus "ordered." He was holding over, as the new Department was not then created. The Bill to establish a Department of Foreign Affairs had received the assent of both Houses the previous day,[2] but had not yet been approved by the President.[3] Jay appeared, as directed, and made the necessary explanations.[4] The Senate then Resolved that the Secretary of Foreign Affairs under the former Congress be requested to peruse the said Convention, and to give his opinion how far he conceives the faith of the United States to be engaged, either by former agreed stipulations or negotiations entered into by our Minister at the Court of Versailles, to ratify in its present sense or form the Convention now referred to the Senate.[5] Jay made a written report on the 27th of July that in his judgment the United States ought to ratify the Convention;[6] and the Senate gave its unanimous consent.[7] The Statute to carry the Convention into effect was passed the 14th of April, 1792.[8]

Three articles in the treaties with France concluded before the Constitution became the cause of difference between the two Powers:

1. Article XI of the Treaty of Alliance, by which the United States, for a reciprocal consideration, agreed to guarantee to the King of France his possessions in America, as well present as those which might be acquired by the Treaty of Peace.

2. Article XVII of the Treaty of Amity and Commerce, providing that each party might take into the ports of the other its prizes in time of war, and that they should be permitted to depart without molestation; and that neither should give shelter or refuge to vessels which had made prizes of the other unless forced in by stress of weather, in which case they should be required to depart as soon as possible.

3. Article XXII of the same Treaty, that foreign privateers, the enemies of one party, should not be allowed in the ports of the other to fit their ships or to exchange or sell their captures, or to purchase provisions except in sufficient quantities to take them to the next port of their own State.

Jefferson, who was the Minister of the United States at the Court of Versailles when the Constitution went into operation, was appointed Secretary of State by President Washington on the 26th of September, 1789. He accepted the appointment and presented Short to Neckar as chargé d'affaires of the United States.[9]

Gouverneur Morris, of New York, who had been in Europe from the dawn of the French revolution, and had been in regular friendly correspondence with Washington,[10] was appointed Minister to France on the 12th of January, 1792. At the time of the appointment Washington wrote him a friendly and admonitory letter: "The official communications from the Secretary of State accompanying this letter will convey to you the evidence of my nomination and appointment of you to be Minister Plenipotentiary of the United States at the Court of France; and my assurance that both were made with *all my heart* will, I am persuaded, satisfy you as to that fact. I wish I could add that the advice and consent flowed from a similar source. * * * Not to go further

[1] Annals 1st Sess. 1st Cong., 52. [2] Ib., 685. [3] Ib., 52. [4] Ib. [5] Ib. [6] Ib., 54. [7] Ib. [8] 1 St. at L. 254. [9] 3 Jefferson's Works, 119. [10] 1 F. R. F., 379–399.

into detail I will place the ideas of your political adversaries in the light in which their arguments have presented them to me, namely, that the promptitude with which your lively and brilliant imagination is displayed allows too little time for deliberation and correction, and is the primary cause of those sallies which too often offend, and of that ridicule of character which begets enmity not easy to be forgotten, but which might easily be avoided if it was under the control of more caution and prudence. In a word, that it is indispensably necessary that more circumspection should be observed by our representatives abroad than they conceive you are inclined to adopt. In this statement you have the *pros* and *cons*. By reciting them I give you a proof of my friendship if I give you none of my policy or judgment."[1]

Morris entered upon the duties of his office with these wise cautions in his hand, but he did not succeed in gaining the good-will of a succession of governments with which he had little sympathy;[2] for he writes Jefferson on the 13th of February, 1793: "Some of the leaders here who are in the diplomatic committee hate me cordially, though it would puzzle them to say why."[3]

When Morris was appointed Minister, the commercial relations between the two countries were satisfactory to neither. Exceptional favors to the commerce of the United States, granted by royal decree in 1787 and 1788,[4] had been withdrawn, and a jealousy was expressed in France in consequence of the Act of Congress putting British and French commerce on the same basis in American ports.[5] No exceptional advantages had come to France from the war of the revolution, and American commerce had reverted to its old British channels.

Jefferson greatly desired to conclude a convention with France which should restore the favors which American commerce had lost, and bring the two countries into closer connection. On the 10th of March, 1792, he instructs Morris: "We had expected, ere this, that in consequence of the recommendation of their predecessors, some overtures would have been made to us on the subject of a Treaty of commerce. * Perhaps they expect that we should declare our readiness to meet on the ground of Treaty. If they do, we have no hesitation to declare it."[6] Again, on the 28th of April, he writes: "It will be impossible to defer longer than the next session of Congress some counter regulations for the protection of our navigation and commerce. I must entreat you, therefore, to avail yourself of every occasion of friendly remonstrance on this subject. If they wish an equal and cordial treaty with us, we are ready to enter into it. We would wish that this could be the scene of negotiation."[7] Again, on the 16th of June, he writes: "That treaty may be long on the anvil; in the mean time we cannot consent to the late innovations without taking measures to do justice to our own navigation."[8]

The great revolution of the 10th of August, and the imprisonment of the King, were duly reported by Morris;[9] and Jefferson replied on the 7th of November: "It accords with our principles to acknowledge any government to be rightful which is formed by the will of the nation substantially declared. * * There are some matters which I conceive might be transacted with a government *de facto;* such, for instance, as the reforming the unfriendly restrictions on our commerce and navigation."[10]

To these instructions, Morris answered on the 13th of February, 1793, three weeks after the execution of the King, and a fortnight after the

[1] 10 Washington's Writings, 216–18. [2] 1 F. R. F., 412. [3] Ib., 350. [4] Ib., 113, 116. See Short's correspondence, Ib., 120. [5] Jefferson's Works, 338–9. [7] Ib., 356. [8] Ib., 49. [9] 1 F. R. F., 333. [10] 3 Jefferson's Works, 489.

declaration of war against England: "You had * instructed me to endeavor to transfer the negotiation for a new treaty to America, and if the revolution of the 10th of August had not taken place, * I should, perhaps, have obtained what you wished. * * * The thing you wished for is done, and you can treat in America if you please."[1] In the same dispatch, Morris spoke of the "sending out of M. Genet, without mentioning to me a syllable either of his mission or his errand," and said that "the pompousness of this embassy could not but excite the attention of England."[2]

On the 7th of March, Morris wrote to Jefferson that "Genet took out with him three hundred blank commissions, which he is to distribute to such as will fit out cruizers in our ports to prey on the British commerce," and that he had already mentioned the fact to Pinckney, and had desired him to transmit it.[3]

The new condition of affairs caused by the war induced the President to submit a series of questions to the members of his cabinet for their consideration and reply.[4] It would seem from a passage in Mr. Jefferson's Ana that the second of these questions—"Shall a Minister from France be received?" was suggested by the Secretary of State.[5] An account of the meeting of the cabinet at which these questions were discussed will be found in vol. 9 Jefferson's Works, page 142.

The first two questions were unanimously answered in the affirmative—that a proclamation for the purpose of preventing citizens of the United States from interfering in the war between France and Great Britain should issue, and that Genet should be received; but by a compromise, the term "neutrality" was omitted from the text of the proclamation.[6]

When Genet landed in Charleston, on the 8th of April, 1793—even when he arrived in Philadelphia—it may be believed that Washington contemplated the probability of closer relations with France, and the possibility of a war with Great Britain. The relations with the latter Power were in a critical condition. British garrisons were occupying commanding positions on our lake frontiers, within the territory of the United States, in violation of the Treaty of 1783; and an Indian quarrel was on the President's hands, fomented, as he thought, by British intrigue.[7]

The policy which Washington favored, denied France nothing that she could justly demand under the Treaty, except the possible enforcement of the provision of guarantee; and that provision was waived by Genet in his first interview with Jefferson. "We know," he said, "that under present circumstances we have a right to call upon you for the guarantee of our islands. But we do not desire it."[8]

On the other hand, it offered to Great Britain neutrality only, without a right of asylum for prizes, this being conferred exclusively by Treaty upon France; and it demanded the relinquishment of the Forts on the lakes and the abandonment of impressment.

It is not likely that the purposes of Genet's mission were fully comprehended by the American Government. By a Treaty in 1762, (first made public in 1836,)[9] France ceded Louisiana to Spain. Genet was instructed to sound the disposition of the inhabitants of Louisiana towards the French Republic, and to omit no opportunity to profit by it should circumstances seem favorable. He was also to direct particular attention to the designs of the Americans upon the Mississippi.[10]

[1] 1 F. R. F., 350. [2] Ib. [3] 1 F. R. F., 354. [4] 10 Washington's Works, 337, 533. [5] 9 Jefferson's Works, 140. [6] 3 Jefferson's Works, 591. [7] 10 Washington's Works, 239. See also Morris's opinion, 1 F. R. F., 412, and Randolph's, Ib., 678. [8] 3 Jefferson's Works, 563. [9] 6 Garden, Traités de Paix, 266. [10] 8 Garden, Traités of Paix, 40–41.]

In one of his letters Genet says of himself, "I have been seven years a head of the bureau at Versailles, under the direction of Vergennes; I have passed one year at London, two at Vienna, one at Berlin, and five in Russia."[1] His dealings with the United States showed that he had gathered little wisdom from such varied experience.

Before he left Charleston, which at that time had few regular means of communication with Philadelphia, he had armed and commissioned several vessels, and these vessels, dispatched to sea, had made many prizes.[2] On his arrival at Philadelphia, Jefferson met him with complaints; but he justified his course at Charleston and denounced an interference with it as a "State Inquisition;"[3] and, admitting what was complained of, he contended that he had not exceeded the rights conferred upon his country by the Treaty of 1778.

The Secretary of State disputed his reasoning; upon which he retorted: "I wish, Sir, that the Federal Government should observe, as far as in their power, the public engagements contracted by both nations; and that by this generous and prudent conduct, they will give at least to the world the example of a true neutrality, which does not consist in the cowardly abandonment of their friends, in the moment when danger menaces them, but in adhering strictly, if they can do no better, to the obligations they have contracted with them."[4] He continued to claim and exercise the right of using the ports of the United States as a base for warlike operations, and, as the discussions went on, his expressions became stronger, and more contemptuous toward the President and the Government of the United States.

His instructions contemplated a political alliance between the two republics.[5] This was never proposed. He did propose, however, the re-arrangement of the debt due to France on the basis of the payment of a larger installment than was required by the contract, to be expended in the purchase of provisions in the United States:—and the conclusion of a new commercial Treaty. Jefferson declined the former, and as to the latter said that the participation in matters of Treaty given by the Constitution to the Senate would delay any definite answer.[6]

At length his conduct became so violent and indecent (Garden speaks of Washington as "personnellement insulté dans les actes diplomatiques de M. Genet")[7] that Jefferson, on the 15th of August, 1793, instructed Morris to demand his recall. One of the first acts of his successor was to demand his arrest for punishment, which was refused by the Government of the United States "upon reasons of law and magnanimity."[8]

It was several months before the request for his recall could be complied with. Meanwhile, the United States being without a navy, prizes continued to be brought into their ports, and French Consuls attempted to hold prize courts within their jurisdiction.[9] Genet also applied himself diligently at this time to the greater scheme respecting the Louisianas, which Garden regards as the main object of his mission. An armed expedition was organized in South Carolina and Georgia for an attack upon Florida.[10] Garden says that he had assurances that all Louisiana desired to return under the jurisdiction of France, and he made serious preparations for conquering it. He prepared a co-operation of naval forces, which were to appear off the coast of Florida. The principal land forces were to embark from Kentucky, and, descending

[1] 1 F. R. F., 183. [2] Ib., 150. [3] Ib. [4] Ib., 151. [5] Ib., 708. [6] Ib., 568. [7] 8 Garden, Traités de Paix, 43, "personally insulted by the acts of Mr. Genet." [8] 1 F. R. F., 709, 7., 147. [10] Ib., 309, 426.

the Ohio and the Mississippi, were to fall unexpectedly upon New Orleans."[1] The action of the Government and the recall of Genet put a stop to these expeditions against Spain, although Jefferson at that time thought a war with Spain inevitable.[2]

In retaliation the Executive Provisory Council of the French Republic demanded the recall of Morris.[3] In communicating the fact to him Secretary Randolph said: "You have been assailed, however, from another quarter. Nothing has ever been said to any officer of our Government by the Ministers of France which required attention until the 9th day of April last, when Mr. Fauchet communicated to me a part of his instructions, indirectly but plainly making a wish for your recall. In a few days afterwards a letter was received from the Executive Provisory Council, expressive of the same wish. Mr. Fauchet was answered by me, under the direction of the President, as I am sure your good sense will think inevitable, that the act of reciprocity demanded should be performed."[4]

Washington wrote Morris, when his successor went out: "I have so far departed from my determination as to be seated in order to assure you that my confidence in, and friendship and regard for you, remain undiminished * * and it will be nothing new to assure you that I am always and very sincerely, yours, affectionately;"[5] and when his correspondence was called for by the Senate, Washington himself, in association with Hamilton and Randolph, went over it (and it was voluminous) in order that nothing might be communicated which would put in peril those who had given him information, or which would re-act upon him in France.[6]

When the war broke out in February, 1793, Morris wrote Jefferson: "As to the conduct of the war, I believe it to be on the part of the enemy as follows: first, the maritime powers will try to cut off all supplies of provisions, and take France by famine; that is to say, excite revolt among the people by that strong lever. * * It is not improbable that our vessels bringing provisions to France may be captured and taken into England."[7] His prescience was accurate. Such instructions were given to British men-of-war on the 8th day of June, 1793. The British measure, however, was anticipated by a decree of the National Convention of the 9th of May, authorizing ships of war and privateers to seize and carry into the ports of the Republic merchant-vessels which are wholly or in part loaded with provisions, being neutral property bound to an enemy's port, or having on board merchandise belonging to an enemy.[8] On the 23d of the same month the vessels of the United States were exempted from the operation of this decree;[9] but on the 5th of December, 1793, President Washington sent a special message to Congress, in which he said: "The representative and executive bodies of France have manifested generally a friendly attachment to this country; have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground; a decree, however, of the National Assembly, subjecting vessels laden with provisions to be carried into their ports and making enemies' goods lawful prize in the vessel of a friend, contrary to our Treaty, though revoked at one time as to the United States has been since extended to their vessels also, and has been recently stated to us."[10]

[1] 8 Garden, Traités de Paix, 42. More detailed account of this affair will be found in Pitkin's Political History, 379. [2] 3 Jefferson's Works, 591. [3] 1 F. R. F., 463. [4] Randolph to Morris, April 29, 1794, MS. Dept. of State. [5] 1 F. R. F., 409. [6] Randolph to Morris, April 29, 1794, MS. Dept. of State. [7] 1 F. R. F., 350. [8] Ib., 244. [9] Ib. [10] Ib. 141.

An embargo was laid upon vessels in the port of Bordeaux, "some exceptions in favor of those vessels said to be loaded on account of the republic" being made.[1] Morris was promised daily that the embargo should be taken off, and indemnification be granted for the losses,[2] but it was not done, and "a number of Americans," injured by it, complained to the Minister.[3] The embargo was not removed until the 18th of November, 1794.[4]

Monroe succeeded Morris, and on the 12th of February, 1795, wrote: "Upon my arrival here I found our affairs * * in the worst possible situation. The Treaty between the two Republics was violated. Our commerce was harassed in every quarter and in every article, even that of tobacco not excepted. * * Our former Minister was not only without the confidence of the government, but an object of particular jealousy and distrust. In addition to which it was suspected that we were about to abandon them for a connection with England, and for which purpose *principally* it was believed that Mr. Jay had been sent there."[5]

Monroe's and Jay's services commenced nearly simultaneously. Monroe's commission was dated the 28th of May, and Jay's the 19th of April, 1794. Jay's Treaty was proclaimed the 29th of February, 1796. Monroe was not recalled until the 22d of the following August,[6] but the angry correspondence which preceded his recall[7] may be said to have been caused by a radical difference of opinion respecting his colleague's mission to London.

Whatever may have been the feeling toward Monroe's predecessor, he himself was well received. The Committee of Public Safety welcomed him "with the most distinguished marks of affection," and offered him a house, which offer he declined.[8] He remained in relations of personal good-will with the different Governments of France, and did not fail to urge in his correspondence with the Secretary of State the policy of settling the differences with Great Britain by an alliance with France:[9] nor did he conceal those opinions from the Government to which he was accredited.[10] While the relations between Great Britain and the United States were balancing themselves in London on the issue of Jay's Treaty, those between the United States and France were held in like suspense in Paris.

Monroe endeavored to obtain from Jay a knowledge of the negotiations and a copy of the Treaty. Jay refused to communicate information, except in confidence, and Monroe declined to receive it unless he should be at liberty to communicate it to the French Government.[11] A copy was, however, officially communicated to the French Minister at Washington.[12] When the fate of that Treaty was ensured, the directory at first resolved (and so informed Monroe) to consider the alliance at an end, but they gave no formal notice to that effect.[13] In lieu of that they lodged with him, on the 11th of March, 1796, a summary exposition of the complaints of the French Government against the Government of the United States, namely, (1.) That the United States Courts took jurisdiction over French Prizes, in violation of the Treaty of 1778. (2.) That British men-of-war were admitted into American ports in violation of the same article. (3.) That the United States had failed to empower any one to enforce consular judgments, which was alleged to be a violation of the Convention of 1788. (4.) That the Captain of the

[1] 1 F. R. F., 401. [2] Ib., 403. [3] Ib., 405. [4] Ib., 689. [5] Ib., 694. [6] Ib., 741. [7] Ib., 658–741. [8] Ib., 675. [9] See, among others, his letters in 1 F. R. F. of Nov. 20, 1794, 685; Dec. 2, 1794, 687; Jan. 13, 1795, 691; Feb. 12, 1795, 694; and March 17, 1795, 700. [10] Ib., 700. [11] Ib., 517, 691, 700. [12] Ib., 594. [13] Ib., 730.

"Cassius" had been arrested in Philadelphia for an offense committed on the high seas. (5.) That an outrage had been committed on the effects of the French Minister within the waters of the United States. (6.) That by Jay's Treaty the number of articles contraband of war, which a neutral might not carry, had been increased above the list specified in the treaties with France, which was a favor to England. (7.) That provisions had been recognized in Jay's Treaty as an article contraband of war.[1]

On the 2d of July, 1796, the directory decreed that all neutral or allied powers should, without delay, be notified that the flag of the French Republic would treat neutral vessels, either as to confiscation, or to searches, or capture, in the same manner as they shall suffer the English to treat them.[2] Garden says that a second decree relating to the same object was made on the 16th of the same month, and that neither decree has been printed. The translation of the first one is printed among the American documents cited above, as also the translation of a note transmitting it to Monroe.[3] Garden refers to Rondonneau, Répertoire général de la Legislation française, Vol. II, p. 311, for the text of the second.[4]

Pickering, the successor of Randolph, noticed the complaints of the French Government in elaborate instructions to Pinckney, Monroe's successor, on the 16th of January, 1797.[5] His replies were in substance, (1.) That the courts had taken jurisdiction over no prizes, except when they were alleged to have been made in violation of the obligations of the United States as a neutral, and that the cases in which interference had taken place were few in number and insignificant. (2.) That it was no violation of the Treaty with France to admit British ships of war into American ports, provided British privateers and prizes were excluded. (3.) That there was no Treaty obligation upon officers of the United States to enforce French consular judgments, and that the clause referred to was exceptional and ought not to be enlarged by construction. (4.) The facts respecting the "Cassius" were stated in order to show that no offense had been committed. (5.) That the executive had taken as efficacious measures as it could to obtain satisfaction for the outrage upon Fauchet. (6.) That the United States would gladly have put the definition of contraband on the same basis in its Treaties with both countries; but that Great Britain would not consent, and an independent arrangement had been made which did not affect the other Treaty arrangement made with France. (7.) That the stipulation as to provisions, without admitting the principle that provisions were contraband, would tend to promote adventures in that article to France.

A correspondence respecting the same subject had also taken place at Washington, in which the same complaints of the directory were repeated and other complaints were urged.[6] To the latter Pickering responded thus, in the same note in which he noticed the complaints which had been made in Paris: (1.) *Charge.*—That the negotiation at London had been "enveloped from its origin in the shadow of mystery, and covered with the veil of dissimulation."[7] *Reply.*—"To whom was our Government bound to unveil it? To France or to her Minister? * * Did we stipulate to submit the exercise of our sovereignty * * to the direction of the Government of France? Let the Treaty itself furnish an answer."[8] (2.) *Charge.*—That the Government of the United States had made an insidious proclamation of neutrality. *Reply.*—That "this proclamation received the pointed approbation of Congress," and

[1] 1 F. R. F., 732–3. [2] Ib., 577. [3] Ib., 739. [4] 6 Garden, Traitiés de Paix, 112, note. [5] 1 F. R. F., 559. [6] Ib., 579. [7] Ib., 581. [8] Ib., 561.

"of the great body of the citizens of the United States." (3.) *Charge.*—That the United States "suffered England, by insulting its neutrality, to interrupt its commerce with France." *Reply.*—That a satisfaction had been demanded and obtained in a peaceable manner—by Treaty, and not by war. (4.) *Charge.*—That they "allowed the French colonies to be declared in a state of blockade." *Reply.*—That the United States, as a neutral, could only question the sufficiency of a blockade, and that they would do so when facts should warrant it. (5.) *Charge.*—That the United States eluded advances for renewing the Treaties of commerce. *Reply.*—That Genet was the first French Minister who had been empowered to treat on those subjects, and the reasons for not treating with him were well known; that his successor, Fauchet, had not been so empowered, and that the United States had always been ready to negotiate with Adet, and all obstacles had come from him since the ratification of Jay's Treaty. (6.) *Charge.*—That the United States were guilty of ingratitude towards France. *Reply.*—That the United States, appreciating their obligations to France, had done something themselves towards the achievement of their independence; that, "of all the loans received from France in the American war, amounting nearly to 53,000,000 livres, the United States under their late Government had been enabled to pay not 2,500,000 livres; that the present Government, after paying up the arrearages and installments mentioned by Mr. Jefferson, had been continually anticipating the subsequent installments until, in the year 1795, the whole of our debt to France was discharged by the payment of 11,500,000 livres, no part of which would have become due until September 2, 1796, and then only 1,500,000, the residue at subsequent periods, the last not until 1802." (7.) *Charge.*—That English vessels were impressing American seamen. *Reply.*—That this concerned the Government of the United States only; and that as an independent nation they are not obliged to account to any other power respecting the measures which they judge proper to take in order to protect their own citizens. Other less important points were discussed, as will be seen by referring to the correspondence.

The course of the French was giving rise to many claims—for spoliations and maltreatment of vessels at sea, for losses by the embargo at Bordeaux, for the non-payment of drafts drawn by the colonial administrations, for the seizure of cargoes of vessels, for non-performance of contracts by government agents, for condemnation of vessels and their cargoes in violation of the provisions of the Treaties of 1778, and for captures under the decree of May 9, 1793. Skipwith, the Consul-General of the United States in France, was directed to examine into and report upon these claims; his report was made on the 20th November, 1795.[1]

On the 9th of September, 1796, Charles Cotesworth Pinckney was sent out to replace Monroe, with a letter from the Secretary of State, saying: "The claims of the American merchants on the French Republic are of great extent, and they are waiting the issue of them, through the public agents, with much impatience. Mr. Pinckney is particularly charged to look into this business, in which the serious interests, and, in some cases, nearly the whole fortunes of our citizens are involved."[2] But the directory, early in October, 1793, recalled their Minister from the United States.[3] Before Pinckney could arrive in France, they, "in order to strike a mortal blow, at the same moment, to British industry and the profitable trade of Americans in France, promulgated the famous law of the 10th Brumaire, year 5 (31st October, 1796), whereby

[1] 1 F. R. F., 753–758. [2] Ib., 742. [3] Ib., 745.

the importation of manufactured articles, whether of English make or or of English commerce, was prohibited both by land and sea throughout the French Republic;"[1] and, on his arrival, they informed Monroe that the directory would no longer recognize or receive a Minister Plenipotentiary from the United States, until after a reparation of the grievances demanded of the American Government, and which the French Republic has a right to expect."[2]

Pinckney was thereupon ordered to quit France under circumstances of great indignity,[3] and Monroe took his formal leave on the 30th December, 1796. In reply to his speech at that time, the president of the directory said: "By presenting, this day, to the Executive Directory your letters of recall, you offer a very strange spectacle to Europe. France, rich in her freedom, surrounded by the train of her victories, and strong in the esteem of her allies, will not stoop to calculate the consequences of the condescension of the American Government to the wishes of its ancient tyrants. The French Republic expects, however, that the successors of Columbus, Raleigh, and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh, in their wisdom, the magnanimous friendship of the French people with the crafty caresses of perfidious men, who meditate to bring them again under their former yoke. Assure the good people of America, Mr. Minister, that, like them, we adore liberty; that they will always possess our esteem, and find in the French people that republican generosity which knows how to grant peace as well as to cause its sovereignty to be respected."[4]

The moment this speech was concluded, the directory, accompanied by the Diplomatic Corps, passed into the audience-hall to receive from an Aide-de-Camp of Bonaparte the four Austrian colors taken at the battle of Arcola.[5] The Diplomatic Corps may, therefore, be presumed to have witnessed this indignity.

A French writer of authority thus characterizes these incidents: "Ainsi ce gouvernement prétendait que les États-unis accédassent à ses demandes sans examen, sans discussion préalable; à cet outrage, le gouvernement français en ajouta un autre: lorsque M. Monroe prit publiquement congé du directoire exécutif, Baras, qui en était le président, lui adressa un discours rempli d'expressions qui durent choquer les Americains."[6]

In closing the sketch of what took place during the administration of President Washington, it only remains to say that in addition to the acts of the 2d of July and the 31st of October, 1796, already referred to, the Executive Directory, on the 2d of March, 1797, decreed that all neutral ships with enemy's property on board might be captured; that enemy's property in neutral bottoms might be confiscated; that the Treaty of 1778 with the United States should be modified by the operation of the favored nation clause, so as to conform to Jay's Treaty, in the following respects: (1) That property in American bottoms not proved to be neutral should be confiscated; (2) That the list of contraband of war should be made to conform to Jay's Treaty; (3) That Americans taking a commission against France should be treated as pirates: and that every American ship should be good prize which

[1] 6 Garden, Traités de Paix, 117. [2] 1 F. R. F., 746. [3] 2 Ib., 710. [4] 1 Ib., 747. [5] Rédacteur, No. 382, Jan. 1, 1797. [6] 6 Garden, Traités de paix, 118. "Thus this government pretended that the United States should accede to its demands without examination, without discussion. To this outrage the French Government added another. While Mr. Monroe took public leave of the Executive Directory, Barras, who was the president, made him a speech full of expressions calculated to shock the Americans."

should not have on board a crew-list in the form prescribed by the model annexed to the Treaty of 1778, the observance of which was required by the 25th and 27th Articles.[1] The 25th Article made provision for a passport, and for a certificate of cargo. The 27th Article took notice only of the passport; and the model of the passport only was annexed to the Treaty. The Treaty required that the passport should express the name, property, and bulk of the ship, and the name and place of habitation of the master, but it made no provision respecting the crew-list. After the adoption of the Constitution, Congress, by general laws, made provision for national official documents, for proof of, among other things, the facts referred to in the 25th and 27th Articles of the Treaty with France. The name of the ship was to be painted on her stern, and to be shown in the Register;[2] her ownership was to be proved on oath, and be stated in the Register,[3] and her tonnage was to be stated in the same instrument, as the result of our official survey.[4] Equally cogent laws were made to ensure an accurate crew-list.[5] It is probable, therefore, that when the decree of March 2, 1797 was made, there was not an American ship afloat with the required document; and it is equally probable that the French Government, which, with the whole civilized world, had acquiesced in the sufficiency of the new national system, knew that to be the fact. The decree was, therefore, equivalent in its operation to a declaration of maritime war against American commerce. The United States had at that time no navy against which such a war could be carried on.

The difficulties in dealing with these questions were increased by the attitude of other foreign powers. The Batavian Republic besought the United States Minister to represent to his Government "how useful it would be to the interests of the inhabitants of the two republics, that the United States should at last seriously take to heart the numberless insults daily committed on their flag by the English;"[6] and the Spanish Minister at Philadelphia formally remonstrated against the British Treaty of 1794 as a violation of a Treaty with Spain concluded a year later, because it did not make the neutral flag secure the goods; because it extended the list of contraband; and because it assumed that Great Britain had the right of navigation of the Mississippi.[7]

President Adams, in his speech at the opening of the first session of the Fifth Congress, (May 16, 1797,) said: "With this conduct of the French Government it will be proper to take into view the public audience given to the late minister of the United States, on his taking leave of the Executive Directory. The speech of the President discloses sentiments more alarming than the refusal of a minister, because more dangerous to our independence and union, and at the same time studiously marked with indignities towards the Government of the United States. It evinces a disposition to separate the people of the United States from the Government; to persuade them that they have different affections, principles, and interests from those of their fellow-citizens whom they themselves have chosen to manage their common concerns; and thus, to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France and the world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honor, character, and interest. * * *

"The diplomatic intercourse between the United States and France

[1] 2 F. R. F., 31. [2] 1 St. at L., 288. [3] Ib. 289. [4] Ib., 290; see also Ib., 55, *et seq.* [5] Ib., 31. [6] 2 F. R. F., 13. [7] Ib., 14.

being at present suspended, the Government has no means of obtaining official information from that country; nevertheless there is reason to believe that the Executive Directory passed a decree on the 2d of March last, contravening, in part, the treaty of amity and commerce of 1778, injurious to our lawful commerce, and endangering the lives of our citizens. A copy of this treaty will be laid before you.

"While we are endeavoring to adjust all of our differences with France, by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and general complexion of affairs, render it my indispensable duty to recommend to your consideration effectual measures of defence.[1]

"It is impossible to conceal from ourselves, or the world, what has been before observed, that endeavors have been employed to foster and establish a division between the government and people of the United States. To investigate the causes which have encouraged this attempt is not necessary. But to repel, by decided and united counsels, insinuations so derogatory to the honor, and aggression so dangerous to the Constitution, union, and even independence of the nation, is an indispensable duty."[2]

The answer of the House to this speech was in a conciliatory spirit; and on the first of the following June Congress yielded so far as to pass a law providing for passports for ships and vessels of the United States.[3]

Congress adjourned on the 10th of July. On the 13th President Adams commissioned Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry as Envoys to proceed to France and endeavor to renew the relations which had been so rudely broken by the Directory. Their instructions will be found in the 2d volume of the Folio Foreign Relations, pages 153, *et seq.* Among other matters they were to secure an adjustment of the claims for spoliations of citizens of the United States, by this time amounting to many millions of dollars.

They arrived in Paris on the evening of the 4th of October, 1797,[4] and at once notified the Foreign Minister of their presence and requested an interview. Instead of receiving them, three gentlemen, who have become known in history as X, Y, and Z, waited upon them at various times, sometimes singly and sometimes together, and claimed to speak for Talleyrand and the Directory. They told the Envoys that they must pay money, "a great deal of money;"[5] and when they were asked how much, they replied "fifty thousand pounds sterling"[6] as a douceur to the Directory, and a loan to France of thirty-two millions of Dutch florins. They said that the passages in the President's speech, which are quoted above, had offended the Directory, and must be retracted, and they urged upon the commissioners in repeated interviews the necessity of opening the negotiations by proposals to that effect.[6]

The American commissioners listened to their statements, and after consultation determined that they "should hold no more indirect intercourse with the Government."[7] They addressed a letter to Talleyrand on th 11th of November, informing him that they were ready to negotiate.[8] They got no answer; but on the 14th of December, X appeared again[9] on the 17th Y appeared,[10] and on the 20th "a lady, who is well acquainted with M. Talleyrand," talked to Pinckney on the subject;[11] still they got no answer from Talleyrand, and on the 18th of January they read the announcement of a decree that every vessel found at sea loaded

[1] Annals 5th Cong., 55. [2] Ib., 59. [3] 1 St. at L., 489. [4] 2 F. R. F., 157. [5] Ib., 159. [5] Ib. [6] Ib., 158–168. [7] Ib., 164. [8] Ib., 166. [9] Ib. [10] Ib., 177. [11] Ib., 167.

with merchandise the production of England should be good prize.[1] Though unrecognized, they addressed an elaborate letter on the 27th of January, 1798, to Talleyrand, setting forth in detail and with great ability the grievances of the United States.[2] On the 2d of March, they had an interview with him. He repeated that the Directory had taken offense at Mr. Adams's speech, and added that they had been wounded by the last speech of President Washington. He complained that the Envoys had not been to see him personally; and he urged that they should propose a loan to France.[3] Pinckney said that the propositions seemed to be those made by X and Y. The Envoys then said that they had no power to agree to make such a loan. On the 18th of March, Talleyrand transmitted his reply to their note. He dwelt upon Jay's Treaty as the principal grievance of France. He says "he will content himself with observing, summarily, that in this Treaty everything having been calculated to turn the neutrality of the United States to the disadvantage of the French Republic, and to the advantage of England; that the Federal Government having in this act made to Great Britain concessions the most unheard of, the most incompatible with the interests of the United States, the most derogatory to the alliance which subsisted between the said States and the French Republic, the latter was perfectly free, in order to avoid the inconveniences of the Treaty of London, to avail itself of the preservative means with which the law of nature, the laws of nations, and prior treaties furnish it." He closed by stating "that notwithstanding the kind of prejudice which has been entertained with respect to them, the Executive Directory is disposed to treat with that one of the three whose opinions, presumed to be more impartial, promise, in the course of the explanation, more of that reciprocal confidence which is indispensable."[4]

Gerry was the member referred to. The three Envoys answered that no one of the three was authorized to take the negotiation upon himself.[5] Pinckney and Marshall then left Paris. Gerry remained. Talleyrand tried to induce him to enter into negotiations for a loan to France, but he refused.[6] Before he left Paris, a mail arrived from America bringing printed copies of the despatches of the Envoys, with accounts of their interviews with X, Y, and Z and "the lady." Talleyrand at once asked Gerry for the four names.[7] Gerry gave him the name of Y, Mr. Bellamy, and Z, Mr. Hautval, and said that he could not give the lady's name, and would not give X's name. The name of X is preserved in the Department of State. Gerry left Paris on the 26th July, 1798.

The President transmitted to Congress the reports of the Envoys as fast as they were received; and when he heard of Marshall's arrival in America he said to Congress, "I will never send another Minister to France without assurances that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation."[8] The statutes of the United States show the impression which the news made upon Congress. The "Act to provide an additional armament for the further protection of the trade of the United States, and for other purposes,"[9] is the first of a series of acts. It was passed in the House amid great excitement. Edward Livingston, who closed the debate on the part of the opposition, said: "Let no man flatter himself that the vote which has been given is not a declaration of war. Gentlemen know that this is the case."[10] This was followed in the course of a few weeks by acts for organizing a Navy Department;[11] for increasing or regulating the Army;[12] for purchasing arms;[13] for construction of vessels;[14] for au-

[1] 1 F. R. F., 182. [2] Ib., 169. [3] Ib., 186. [4] Ib., 190–191. [5] Ib., 199. [6] Ib., 204–238. [7] Ib., 210. [8] Ib., 199. [9] 1 St. at L., 552. [10] 2 Annals 5th Cong., 1519. [11] 1 St. at L., 553. [12] Ib., 552, 558, 604. [13] Ib., 555, 576. [14] Ib., 556, 569, 608.

thorizing the capture of French vessels;[1] for suspending all intercourse with France;[2] for authorizing merchant-vessels to protect themselves;[3] for abrogating the Treaties with France;[4] for establishing a Marine Corps;[5] and for authorizing the borrowing of money.[6] In the next session of Congress further augmentation of the Navy[7] and of the Army[8] was made; the suspension of intercourse was prolonged,[9] and provisions were made for restoring captured French citizens,[10] and for retaliations in case of death from impressments.[11]

Washington was made Lieutenant-General and Commander-in-Chief of the Army, and, in accepting, said: "The conduct of the Directory of France towards our country; their insidious hostility to its Government; their various practices to withdraw the affections of the people from it; the evident tendency of their acts and those of their agents to countenance and invigorate opposition; their disregard of solemn treaties and the law of nations; their war upon our defenceless commerce; their treatment of our Ministers of peace; and their demands, amounting to tribute, could not fail to excite in me corresponding sentiments with those my countrymen have so generally expressed in affectionate addresses to you."[12]

The Attorney-General gave an opinion that a maritime war existed between France and the United States, authorized by both nations,[13] but Congress never made the constitutional declaration of war, nor was such a declaration made on the other side.

It was on the 21st of June that President Adams informed Congress of the terms on which alone he would be willing to send a new Minister to France. Talleyrand immediately opened indirect means of communication with the American Cabinet through Murray, the American Minister at the Hague,[14] and on the 28th of September he sent word through Pichon, the French Secretary of Legation at the same place, that "whatever plenipotentiary the Government of the United States might send to France in order to terminate the existing differences between the two countries, he would be undoubtedly received with the respect due to the representative of a free, independent, and powerful nation."[15] To this proffer, embodying the language of the President's message to Congress, the President replied by empowering Chief-Justice Ellsworth, Mr. Davie, and Mr. Murray "to discuss and settle, by a Treaty, all controversies between the United States and France."[16]

When these Envoys arrived in France they found that the Directory had been overthrown,[17] and they had to deal with Bonaparte as first Consul. They succeeded in restoring good relations. An account of their negotiations will be found in the 2d volume of the Folio Edition of the Foreign Relations, pages 307 to 345. Their instructions required them to secure, (1) A claims commission. (2) Abrogation of the old treaties. (3) Abolition of the guarantee of 1778. (4) No agreement for a loan. (5) No engagements inconsistent with prior Treaties, meaning doubtless Jay's Treaty. (6) No renewal of the peculiar jurisdiction conferred on consuls by the convention of 1788. (7) Duration of a Treaty not to exceed twelve years.[18]

The negotiators exchanged their powers on the 7th of April, 1800,[19] and concluded a treaty on the 30th of the following September, which (1) declared that the parties could not agree upon the indemnities; (2) nor as to the old treaties; (3) and consequently was silent respecting

[1] 1 St. at L., 561, 578. [2] Ib., 565. [3] Ib., 572. [4] Ib., 578. [5] Ib., 594. [6] Ib., 607. [7] Ib., 621. [8] Ib., 725. [9] Ib., 613. [10] Ib., 624. [11] Ib., 743. [12] Annals 5th Cong., 622. [13] 1 Op. At.-Gen., 84, Lee. [14] 2 F. R. F., 241. [15] Ib., 242. [16] Ib., 243. [17] Ib., 307. [18] Ib., 306. [19] Ib., 313–14.

ıe guarantee; but (4) made no provisions for a loan; (5) made no en-
agements inconsistent with prior treaties; (6) did not renew the ob-
:ctionable consular provisions; and (7) no limitation was set to its ope-
ation.

When it was submitted to the Senate that body advised its ratifica-
on, provided the second article concerning indemnities should be ex-
unged, and that the convention should be in force for eight years
·om the date of the exchange of the ratifications. The French Govern-
ıent assented to the limitation of the duration of the Treaty, and
) the expunging of the 2d article, upon condition that it should be un-
erstood that thereby each party renounced the pretensions which were
ıe objects of the article; which was assented to by the Senate.[1]

On the day following the signature of this Treaty in Paris, (Sept. 30,
300,) a secret treaty was concluded at St. Ildefonso between France
ıd Spain, which came to be of importance to the United States. This
as the Treaty by which Louisiana was restored to France. In con-
deration of the elevation of the Duke of Parma to the rank of King,
ıd the enlargement of his territory, it was agreed that "Sa Majesté
atholique donnera les ordres nécessaires pour que la France occupe la
ouisiane au moment où S. A. R. le duc de Parme sera mise en posses-
·on de ses nouveaux Etats."[2]

The United States were anxious concerning the effect of this upon
ıeir future.[3] But the failure of the Treaty of Amiens to restore a per-
anent peace induced Napoleon to determine to transfer all the Louisi-
ıas to the United States. He consulted Berthier and Marbois. The
›nference lasted far into the night. Berthier opposed the cession.
arbois favored it. Early the next morning he called Marbois to him
ıd said, "Je nonce à la Louisiane. Ce n'est point seulement la
ouvelle-Orléans que je veux céder; c'est toute la colonie sans en rien
·server."[4]

The interview took place on the 10th of April;[5] the decision was
ade on the morning of the 11th. On the afternoon of the same day
ıe negotiations opened by an abrupt question from Talleyrand to Liv-
gston whether the United States wished for the whole of Louisiana.
ivingston, who had been instructed only to negotiate for New Orleans,
ıd the Mississippi as a boundary line,[6] said, "No, we only want New
rleans and the Floridas."[7] But he soon found that he was dealing
ith a much larger question, and Monroe arrived the same day from
merica with fresh instructions to aid in its disposition. Napoleon
npowered Marbois to negotiate for France, and instructed him to con-
:nt to the transfer, provided he could secure 50,000,000 francs. He
id secure 80,000,000, twenty millions of which were to be applicable to
ıe extinguishment of claims against France, and sixty millions were
ıyable in cash to France. When it was concluded, Napoleon said:
Cette acession de territoire, affermit pour toujours la puissance des
tats-Unis, et je viéns de donner à l'Angleterre un rival maritime, qui
)t ou tard[8] abaissera seon orgueil."

Between the conclusion of the two Treaties of 1800 and 1803 a corre-
›ondence arose respecting the construction of the former Treaty.[9]

[1] 2 F. R. F., 344. [2] 8 Garden, Traités de paix, 48; S. Doc. 56, 2d Sess. 23d Cong. His Catholic Majesty will give the necessary orders so that France may occupy ›uisiana the moment when His Royal Highness the Duke of Parma shall be put in ›ssession of his new State." [3] 2 F. R. F., 552. [4] 8 Garden, Traités de paix, 64. "I nounce Louisiana. It is not New Orleans only that I wish to cede; it is all the lony, reserving nothing." [5] 8 Garden, Traités de paix, 54. [6] 6 F. R. F., 162, No. 0. [7] 2 F. R. F., 552. [8] 8 Garden, Traités de paix, 88. "This accession of territory nsolidates forever the power of the United States, and I have just given to England maritime rival who sooner or later will humble her pride." [9] 6 F. R. F., 154-168.

Robert Livingston, the Minister of the United States, complained that the Council of Prizes (which he regarded "as a political board")[1] was proceeding in violation of the provisions of the Treaty. On the 26th of January, 1802, he was "almost hopeless" as to the claims.[2] His anxiety communicated itself to Madison.[3] The French Court next proposed to meet the French obligation in paper money,[4] while the appropriations on the American side were payable in coin.[5] Livingston thought Bonaparte stood in the way, and that, should anything happen to him, France would "very soon be able to look all demands in the face."[6] Monroe was sent out to aid in the negotiations, with special powers as to New Orleans and the Floridas.[7] He arrived just in time to find the First Consul bent on parting with Louisiana and settling with the United States. On the 9th of March, 1803, Talleyrand was already giving signs of yielding. He expressed surprise at the amount of the American claims advanced by Livingston, (20,000,000 francs,) but avowed his purpose of paying them, whatever they might be, and asked for a specified statement.[8] An explanation, which may account for part of this, may be found in two dates. The peace of Amiens was signed the 25th of March, 1802; the declaration of the renewal of the war was dated the 18th of May, 1803.

The Convention of 1800, after providing for the restoration of certain captured property, contained a provision that the debts contracted by one of the two nations with individuals of the other should be paid,[9] but that this clause should not extend to indemnities claimed on account of captures or condemnations. The Convention of 1803 stipulated that these debts, with interest at six per cent., should not exceed twenty millions of francs.

To entitle a claimant to participate in this fund, it was necessary: 1. That he should be a citizen of the United States who had been, and was at the time of the signing of the Treaty, a creditor of France, and who had no established house of commerce in France, England, or other country than the United States, in partnership with foreigners; 2. That, if the claim were for a debt, it should have been contracted for supplies before the 30th of September, 1800, and should have been claimed of the actual Government of France before the 30th of April, 1803; 3. That, if for prizes, it should not be for a prize whose condemnation had been or should be confirmed; 4. That, if for captures, it should not be a case in which the council of prizes had ordered restitution, or in which the claimant could not have had recourse to the government of the French Republic, or where the captors were sufficient; 5. That it should either be for supplies, for embargoes, or for prizes made at sea, in which the appeal had been properly lodged within the time mentioned in the Convention of 1800.

The distribution of this money gave rise to some sharp correspondence.[10] The claims which were excluded from participation in the distribution have become known as the "French Spoliation Claims." They have been often the subject of Congressional discussion and report.[11]

[A bill for the relief of the claimants was passed by Congress, but received the veto of President Polk by his message of August 8, 1846.[12] Again Congress passed a measure of relief which received the veto of President Pierce February 17, 1855.[13] In 1882 the subject being revived

[1] 6 F. R. F., 156. [2] Ib. [3] Ib., 158. [4] Ib., 161. [5] Ib., 162. [6] Ib., 163. [7] Ib., 166. [8] Ib., 167–168. [9] Art. 5. [10] 6 F. R. F., 182–207. [11] See particularly 5 F. R. F., 314, 352, and 6 F. R. F., 3–207, 558, 1121, and S. R. 10, 2d Sess. 41st Cong., and the various authorities there cited; also, among others, an elaborate debate in the Senate, 11 Debates, 2d Sess. 23d Cong. [H. R., 445, 25th Cong. 2d Sess.]. [[12] Veto messages of the Presidents, S. M., 53, 2d Sess. 49th Cong., 191. [13] Ib., 235.]

led to the passage of the act[1] approved January 20, 1885, by which the claims were referred for ascertainment as to facts to the Court of Claims. This resulted in the filing of petitions embracing nearly three thousand vessels and involving between five and six thousand cases. Under the act above referred to the Secretary of State sent abroad special agents and the results of their researches have been in obtaining a mass of documents and information of historical interest as well as incalculable value in determining the true merits of the individual cases.[2]]

The argument by which it is maintained that they should be paid by the United States may be briefly stated thus: (*a.*) The claims were valid claims against France, because they are founded upon torts committed in violation of the canons of international law, in a time of peace. (*b.*) The United States relinquished these claims to France upon condition that France should surrender to them its national claims against them for alleged infractions of the Treaties of 1778 and 1788, and should consent to the abrogation of those Treaties. (*c.*) Therefore, the United States, having appropriated to itself a benefit resulting from the losses of its citizens, should make compensation to the sufferers.

The argument of the other side may be stated thus: (*a.*) They were the cause of a war between France and the United States, by which they were expunged in the course of the operation of the ordinary rules of international law; but even admitting the contrary, those claims which were not recognized by the Treaty of 1803 could not have been enforced against France without violating established canons of international law. (*b.*) No bargain was made with France respecting the guarantee. (*c.*) Therefore, the conclusion which is drawn from that alleged fact is incorrect.

The points in dispute, therefore, relate (1) to the fact whether there was or was not a recognized state of war; (2) whether the relinquishment of the guarantee in the 11th Article of the Treaty of 1778 was an element in the conclusion of the Treaty of 1800; (3) whether that agreement of guarantee had an appreciable money value.

The evidence on these several points is to be found in the documents already referred to.

On the subject of the guarantee it appears that with the exception of the statement of Genet, made at his first interview with Jefferson already referred to, and another statement made some months after his recall had been demanded, which was not recognized by his own Government in its subsequent action,[3] the French did not regard it as a matter of consequence until it was brought forward by the American Envoys in 1800; but that the Americans from the beginning regarded it as of great consequence, and that they determined to get rid of it at all events. With regard to the existence of a state of war, the American Attorney-General in 1799, and the French Envoys in 1800, each said that there was a state of war subsisting between the two nations; but on the other hand neither government declared such to be the fact. With regard to the money value, there is correspondence between the Envoys in 1800, which shows the estimate which either side put upon all the engagements which it was proposed to abrogate.[4]

The course of Napoleon in the subsequent wars of the Empire gave rise to still farther claims. The various and oppressive orders and decrees of Great Britain on the one side and of France on the other, during the wars of Napoleon, will be found in the 3d volume of the Folio Edition of the Foreign Relations, those of Great Britain between pages

[1] 23 St. at L., 283. [2] S. E. Docs. 30 and 102, 1st Sess. 49th Cong.; H. E. Doc. 194, 1st Sess. 49th Cong.; H. E. Doc. 309, 1st Sess. 50th Cong.] [3] 1 F. R. F., 246. [4] 2 F. R. F., 335.

263 and 284, and those of France between pages 284 and 292. The Berlin decree will be found on page 289, and the Milan decree on page 290. On the 21st of November, 1806, Napoleon declared the British Islands to be in a state of blockade, and interdicted all commerce and correspondence with them. This decree was issued from the Imperial camp at Berlin. On the 7th of January, 1807, it was ordered at a court of the Privy Council, in London, that no vessel should be permitted to trade from one port to another, both ports of which should be in possession of France or her allies. On the 11th of November, 1807, it was further ordered in council, at London, that all French ports should be subject to the same restriction as to trade as if actually blockaded; and that all commerce in articles of French growth or manufacture should be considered unlawful, and that all neutral vessels found carrying French certificates should be deemed lawful prize. Napoleon retorted, on the 17th of December, 1807, by issuing the decree known as the Milan decree, by which it was ordered that all ships which had submitted to be searched by British ships, or had paid a tax to the British Government, should be regarded as denationalized, and as lawful prize; that the British Islands were in a state of blockade, and that vessels proceeding from or sailing to England were lawful prize. Congress met these violations of neutral rights by two acts: (1) The "act laying an embargo on all ships and vessels in the ports and harbors of the United States;"[1] (2) The "act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies."[2]

An English writer of authority says of the latter statute, "It conveyed a just and dignified rebuke both to France and England, and it was worthy of the country which has contributed such valuable materials to the edifice of international law."[3]

The mercantile marine of the United States suffered greatly from these arbitrary orders and decrees. When peace was restored and a settled government was established in France, the United States made reclamations for these classes of citizens.[4]

France met them by counter claims.[5] It was asserted that by the terms of the 8th Article of the Treaty for the cession of Louisiana the ships of France were to be treated upon the footing of the most favored nation in the ports of the ceded country, but that the vessels of England were enjoying favors there which were denied to the vessels of France. The United States replied that the vessels of England enjoyed these additional favors by virtue of a reciprocal agreement, and that there was no such reciprocal agreement with France. The French Minister rejoined that the rights of France were absolute under the Treaty to enjoy the privileges of the most favored nation without an obligation to confer similar privileges on American vessels in the ports of France.[6]

The negotiations on these two points continued for over ten years. The United States struggled to separate them, but France refused to consider the claims apart from the alleged violation of the Treaty of 1803, or to abandon her position respecting that Treaty.[7] Pending these negotiations the Commercial Treaty of 1822 was concluded.[8] At length it was agreed to determine both questions in the Treaty of July 4, 1831. France was to pay 25,000,000 francs in full satisfaction of the American claims; the United States were to pay 1,500,000 francs in satisfaction

[1] 2 St. at L., 451. [2] Ib., 528. [3] Phillimore on International Law, part ix, ch. 10, sec. 168. [4] 5 F. R. F., 17. [5] Ib., 640. [6] Ib., 149–213, 640–674. [7] Ib., 17, 136, 282, 351, 476. [8] Ib., 384, 613. [8] 5 Ib., 149–213,

of certain French claims; the United States were to reduce the duties on French wines; and France in consideration of the latter agreement was to relinquish its claims and reclamations respecting the 8th Article of the Treaty of cession of Louisiana.[1]

The ratifications of this Convention were exchanged on the 2d of February, 1832, and on the 13th of the following July Congress passed an act to carry it into effect.[2] It provided for a commission to take proof of the claims, and also for the agreed reduction of duties upon the wines of France. Under this commission the claims which had been preferred against the Netherlands as well as some which had been preferred against Naples and Spain[3] were proved and allowed against France.[4]

The first instalment under this Treaty was to be paid at the expiration of one year next following the exchange of the ratifications; that is, it became payable on the 2d day of February, 1833. But no provision was made for its payment; and on the 18th of April, 1834, the French Chamber of Deputies, by a vote of 176 to 168, refused to make the appropriations necessary to carry out the provisions of the Treaty.[5] At the opening of the 2d Session of the 23d Congress, (December 1834,) President Jackson, after stating in detail successive neglects of France to make or provide for the payments under this Treaty, said: "The Executive branch of this Government has, as matters stand, exhausted all the authority upon the subject with which it is invested, and which it had any reason to believe could be beneficially employed. The idea of acquiescing in the refusal to execute the Treaty will not, I am confident, be for a moment entertained by any branch of this Government; and further negotiation upon the subject is equally out of the question."[6] After a discussion in the Senate, in which Clay, Webster, Buchanan, Calhoun, Clayton and others took part,[7] it was voted unanimously, "It is inexpedient at present to adopt any legislative measures in regard to the state of affairs between the United States and France."[8] The President, on the 7th of the following February, transmitted to the House of Representatives further correspondence from Edward Livingston, then Minister at Paris;[9] and again on the 25th of the same month still further correspondence, by which he said, "It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France with his Legation, and return to the United States, if an appropriation for the fulfillment of the Convention shall be refused by the Chambers."[10] The next day the Committee on Foreign Affairs reported to the House respecting the "Relations with France." There was a majority report and a minority report. Cambreleng presented the former; the latter was signed by Edward Everett, Robt. P. Letcher, and R. Coulter.[11] Cambreleng opened the discussion on Saturday, the 28th of February, with a short speech. John Quincy Adams followed at length. Archer, Pickens, Cambreleng, Everett, Wise, the best talent of the House, participated in the debate. It closed late at night by the adoption of a resolution that in the opinion of the House the Treaty of July 4th, 1831, should be maintained and its execution insisted on, and that preparations ought to be made for any emergency growing out of our relations with France.[12]

Livingston left Paris under instructions from the President,[13] and was

[1] H. E. Doc. 147, 2d Sess. 22d Cong. [2] 4 St. at L., 574, which was extended June 19, 1834; Ib., 679. See also Ib., 778. [3] 5 F. R. F., 598–629; 6 Ib., 497–503. [4] S. E. Doc. 17, 1st Sess. 23d Cong.; H. E. Doc. 117, 1st Sess. 24th Cong. [5] H. E. Doc. 2, 2d Sess. 23d Cong., 543. [6] 11 Debates, part 2, appendix 4, 5. [7] Ib., 215. [8] Ib., part 1, 103, 200. [9] H. E. Doc. 136, 2d Sess. 23d Cong. [10] H. E. Doc. 174, 2d Sess. 23d Cong. [11] H. R. 133, 2d Sess. 23d Cong. [12] 11 Debates, part 2, 1633–4; for the debate see 1531–1565, 1570–1634. [13] Docs. with President's message, 1st Sess. 24th Cong.

followed by Barton, whom he had left as Chargé d'Affaires.[1] This caused the withdrawal from Washington of Pageot, the French Minister,[2] and the complete rupture of diplomatic relations.

On the 8th of February, 1836, the President informed Congress that the mediation of Great Britain had been offered to adjust these differences.[3] Some of the proceedings which had taken place in the Chamber of Peers in Paris may be found in a message of the 15th of that month.[4] On the 22d the President was able to announce to Congress that the French Government had determined to execute the Treaty, and that the mediation had therefore become unnecessary.[5] The payments of the installments were duly made. Thenceforward diplomatic relations were resumed, and the last difficulty with France, arising from the wars of Napoleon, disappeared.

The Consular Convention of 1853 gave rise, in 1854, to a serious difference. It is provided in the second article of the Convention that Consuls "shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes, or deposition, is to be received from them in the administration of justice, they shall be invited, in writing, to appear in court, and, if unable to do so, their testimony shall be requested in writing, or be taken orally at their dwellings." But the 6th amendment to the Constitution of the United States says that "in all criminal prosecutions the accused shall enjoy the right * * to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor."[6]

In the spring of 1854 the Mexican Consul at San Francisco being under indictment for an offense against the sovereignty of the United States, the prosecuting officer asked to have the evidence of the French Consul at San Francisco taken. The Consul claimed his privilege under the Treaty, and it was allowed. Then the accused claimed his constitutional privilege of a compulsory process to oblige the Consul to appear as a witness in his favor, and it was granted. Thereupon a political correspondence ensued, marked with some warmth on the part of the subordinates, but with good judgment and temperate statements on the part of Mr. Marcy and Mr. Drouyn de Lhuys. It was terminated in August, 1855, by an agreement that "when a French national ship or squadron shall appear in the harbor of San Francisco, the United States authorities there, military or naval, will salute the national flag borne by such ship or squadron, with a national salute, at an hour to be specified and agreed on with the French naval commanding officer present, and the French ship or squadron whose flag is thus saluted will return the salute gun for gun."[7] And the President, in his message at the opening of the next session of Congress, said, "I announce with much gratification that since the adjournment of the last Congress the question then existing between this Government and that of France, respecting the French Consul at San Francisco, has been satisfactorily determined, and that the relations of the two governments continue to be of the most friendly nature."[8]

[Mr. Outrey, the French Minister, on the 21st of March, 1877, wrote as follows to the Secretary of State: "The obscure terms of the English version of the second article of the convention concerning trade-marks, which was concluded between France and the United States in 1869,

[1] S. E. Doc. 62, 1st Sess. 24th Cong., No. 5, p. 10. [2] Ib., No. 12, p. 15. [3] H. E. Doc. 103, 1st Sess. 24th Cong. [4] S. E. Doc. 161, 1st Sess. 24th Cong. [5] S. E. Doc. 187, 1st Sess. 24th Cong.; also H. E. Doc. 116, same Cong. [6] 1 St. at L., 21. [7] Mason to Marcy, No. 65, Aug. 13, 1855, enclosure, MS. Dept. of State. [8] S. E. Doc. 1, 1st Sess. 34th Cong.

have frequently been a source of anxiety to the owners of such marks in France. The following is the French text: 'Les marques de fabrique dont les propriétaires résidant dans l'un des deux états voudront assurer la garantie de leurs droits dans l'autre devront RESPECTIVEMENT être déposées en double exemplaire, à Paris, au greffe du Tribunal de Commerce de la Seine; à Washington, au Bureau des Patents.'

"This article reads in English as follows: 'If the owners of trademarks residing in either of the two countries wish to secure their rights in the other country, they must deposit duplicate copies of these marks in the Patent Office at Washington, and in the clerk's office of the Tribunal of Commerce of the Seine, at Paris.'

"This wording, in which the word 'respectivement' of the French text has been omitted, seems to imply that trade-marks must be deposited, simultaneously, both at Washington and at Paris; whereas, according to the real terms of the convention, the deposit is obligatory at Washington only for French citizens who wish to secure the ownership of a mark in the United States, as it is obligatory only at Paris for American citizens who desire to take the same measures in France.

"The omission to which I have just had the honor to call your attention, Mr. Secretary of State, cannot affect the evident design of both governments, and I shall therefore be grateful to you if you will have the kindness to adopt some measure calculated to prevent an erroneous interpretation by the American courts of article 2 of the convention of April 16, 1869.

"In case you should think proper to do so by means of an interpretative declaration, an article on this subject, worded in unequivocal terms, might, as my government suggests, be added to the aforesaid convention."

To which Mr. Evarts replied on the 25th of April: "I have the honor to state that this government construes the article referred to in the sense which is clearly expressed in the French version of the said article, and formally accepts the French version as the true interpretation thereof.

"It is believed that the foregoing statement will be sufficient to obviate any difficulty to which the doubtful sense of the English version of the article in question might give rise."[1]

A convention was concluded January 15, 1880 which provided for a commission to which should be referred all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of France, arising out of acts committed against the persons or property of citizens of the United States not in the service of the enemies of France, or voluntarily giving aid and comfort to the same, by the French civil or military authorities, upon the high seas or within the territory of France, its colonies and dependencies, during the late war between France and Mexico, or during the war of 1870–'71 between France and Germany and the subsequent civil disturbances known as the "Insurrection of the Commune"; and on the other hand, all claims on the part of corporations, companies or private individuals, citizens of France, upon the Government of the United States, arising out of acts committed against the persons or property of citizens of France not in the service of the enemies of the United States, or voluntarily giving aid and comfort to the same, by the civil or military authorities of the Government of the United States, upon the high seas or within the territorial jurisdiction of the

[1 F. R., 1877, 173.]

United States, during the period comprised between the 13th day of April, 1861, and the 20th day of August, 1866.

The commission organized on the 5th of November 1880.

Under the authority of this convention 19 claims were presented by citizens of the United States against the government of France amounting in the aggregate to the sum of $2,427,544.91 excluding interest.

Of these claims only two were allowed. The sum awarded, including interest being 13,659.14 francs equivalent to $2,636.21.

On the other hand, 727 claims were presented by or on behalf of citizens of France against the government of the United States. The claims amounted to $17,581,000.34 excluding interest. Of these claims 214 were allowed, the awards amounting with interest to the sum of $625,566.35.

The commissioners were to terminate their labors within two years from the date of their first meeting, but finding that it would be impossible to complete the work of the commission a convention was concluded July 19, 1882 extending the time to July 1, 1883, the convention of February 8, 1883 further extended the time until the termination of the labors of the commissioners, March 31, 1884.]

The treaty of amity and commerce of 1778 with France, Article 11, enabling French subjects to purchase and hold lands in the United States, being abrogated in 1798; the act of Maryland of 1780, permitting the lands of a French subject who had become a citizen of that State, dying intestate, to descend on the next of kin, being a non-naturalized Frenchman, with a proviso vesting the lands in the State if the French heirs should not within ten years become resident citizens of the State, or convey the lands to a citizen; and the convention of 1800, between France and the United States, enabling the people of one country, holding lands in the other, to dispose of the same by testament, and to inherit lands in the other, without being naturalized: *Held*, that the latter treaty dispensed with the performance of the condition in the act of Maryland, and that the constitutional rule applied equally to the case of those who took by descent under the act, as to those who acquired by purchase without its aid.[1]

The further stipulation in the treaty, "that in case the laws of either of the two States should restrain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be," does not affect the rights of a French subject who takes or holds by the convention, so as to deprive him of the power of selling to citizens of the country; and gives to a French subject who has acquired lands by descent or devise, (and, perhaps, in any other manner,) the right during life to sell or otherwise dispose of the same, if lying in a State where lands purchased by an alien, generally, would be immediately escheatable.[2]

Although the convention of 1800 has expired, yet the instant a descent was cast on a French subject during its continuance, his rights became complete under it, and cannot be affected by its subsequent expiration.[3]

America was bound as an ally of France by the capitulation between France and Great Britain for the surrender of Dominica.[4]

The Phœbe Ann, a British vessel, had been captured by a French privateer and sent into Charleston. Restitution of the prize was claimed by the British consul, who filed a libel in the district court

[1] Chirac *v.* Chirac, 2 Wheaton, 259; 4 Cond. Rep., 111. [2] Ib. [3] Ib. [4] Miller *v.* The Ship Resolution, 2 Dallas, 15.

suggesting that the privateer had been illegally fitted out, and had illegally augmented her force within the United States. It appeared in proof that the privateer had originally entered the port of Charleston, armed and commissioned for war; and that she had taken out her guns, masts, and sails, which remained on shore until the general repairs of the vessel were completed, when they were again put on board, with the same force or thereabouts; and on a subsequent cruise the prize was taken. The court held that suggestions of policy and convenience cannot be considered in the judicial determination of a question of right; the treaty with France, whatever that is, must have its effect. By the nineteenth article it is declared that French vessels, whether public and of war, or private and of merchants, may, on any urgent necessity, enter our ports, and be supplied with all things needful for repairs. In the present case the privateer only underwent a repair; and the mere replacement of her force cannot be a material augmentation, even if an augmentation of force could be proven, which we do not decide a sufficient cause of restitution.[1]

By the treaty with France of 1778, Articles 17 and 22, the subjects of France had a right to equip and arm their vessels in the ports of the United States, to bring in their prizes and depart with them, without interference by the courts of the United States.[2]

Under the treaty of 1778, neutral property captured on board an enemy's ship was lawful prize, contrary to the general law of nations.[3]

The treaty for the cession of Louisiana took effect from its date.[4]

The stipulation in the treaty for the protection of the inhabitants in their property, &c., ceased to operate when the State of Louisiana was admitted into the Union.[5]

The treaty for the cession of Louisiana protected claimants under the French or Spanish Government to inchoate titles to land.[6]

By the cession of Louisiana, the Government of the United States succeeded to all the rights and interests formerly possessed by those of France and Spain in that province, including reservations of the right to use land when wanted for fortifications.[7]

The treaty of 1853, securing to citizens of France the same rights of succession as are possessed by the citizens of the United States, so far as permitted by the State laws, had no effect on the succession of one who died in 1848.[8]

The treaty ceding Louisiana to the United States could not enlarge the constitutional powers of the latter nor vest in the Government the police powers over public places formerly exercised by the Crown.[9]

All French grants of land in Louisiana, made between the 3d of November, 1762, the date of the cession to Spain, and the 1st of October, 1800, the date of the recession to France, are invalid.[10]

[A grant by Morales, the Spanish governor, issued on the 2nd of January, 1804, for lands included within the limits of Louisiana, was void; Spain having parted with her title to that Province to France, by the treaty of St. Ildefonso, on the 1st of October, 1800; and France having ceded the same province to the United States by the treaty of Paris of the 30th of September, 1803.[11]

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[1] Moodie *v.* The sloop Phœbe Ann, 3 Dallas, 319. [2] Bee's Admiralty Reports, 40, 43. [3] Ib., 74. [4] United States *v.* Reynes, 9 Howard, 127; Davis *v.* Parish of Concordia, Ib., 280; United States *v.* Pillerin, 13 Howard, 9. [5] New Orleans *v.* De Armas, 9 Peters, 223. [6] Delassars *v.* United States, Ib., 117; Choteau's heirs *v.* United States, Ib., 137; Strother *v.* Lucas, 12 Peters, 410. [7] Josephs *v.* United States, 1 Nott & Huntington, 197; same case, 2 Nott & Huntington, 586. [8] Prevost *v.* Greneaux, 19 Howard, 1. [9] New Orleans *v.* United States, 10 Peters, 662. [10] United States *v.* D'Auterine, 10 Howard, 609; Montault *v.* United States, 12 Howard, 47. [11] [United States *v.* Reynes, 9 Howard, 127.]

Such a grant could not be protected by that article of the treaty of Paris which stipulated for the protection of the people of Louisiana in the free enjoyment of their liberty and property; the term property, in any correct acceptation, being applicable only to possession or rights founded in justice and good faith, and based upon authority competent to their creation.[1]

The circumstance that the Spanish authorities retained possession of portions of Louisiana till the year 1810, did not authorize the issuing of grants for land by those authorities, upon the ground that they constituted a government *de facto*, Spain having long previously ceded away her right of sovereignty, and her possession subsequently thereto having been ever treated by the United States as wrongful, viz.: after October, 1800.[2]

Under the treaty of cession of Louisiana, made with France April 30, 1803, the United States always claimed to the Perdido river on the east, although the Spanish authorities kept possession of, and claimed sovereignty over, the territory between that river and the Mississippi (except the island of New Orleans) until 1810, when the United States took forcible posession of it.[3]

The act of March 26, 1804, organizing a government for Louisiana, expressly declared all Spanish grants in the territory between the Perdido and Mississippi rivers, after the treaty of St. Ildefonso, as void.[4]

The incomplete title acquired from the Spanish government, prior to the treaty of St. Ildefonso between Spain and France, to lands in the territory now embraced within the State of Missouri, was such a property interest as could be transferred by mortgage or reached by judicial process.[5]

The treaty ceding Louisiana stipulated for security to the property of the inhabitants. This principle would have been sacred, independent of treaty. The sovereign who acquires an inhabited territory, acquires full dominion over it; but this dominion is never supposed to divest the vested rights of individuals to property.[6]

The concession to the petitioner was legally made by the proper authorities. A grant or concession made by that officer who is by law authorized to make it, carries with it prima facie evidence that it is within his powers. No excess of them, or departure from them, is to be presumed. He who alleges that an officer entrusted with an important duty has violated his instructions, must show it. The cases of U. S. v. Arredondo, 6 Peters, 691; Percheman v. U. S.,7 Id. 51; U. S. v. Clarke, 8 Id. 436, cited and approved.[7]

The United States have never admitted that they derived title from the Spanish government to any portion of territory included within the limits of Alabama; for, by the treaty of 1795, Spain admitted that she had no claim to any territory above the thirty-first degree of north latitude, and the United States derived its title to all below that degree from France, under the Louisiana treaty.[8]

The Louisiana treaty recognized complete grants, issued anterior to the cession, and a decision of a State court against the validity of a title set up under such a grant, would be subject to revision of the Supreme Court. But if the State court only applies the local laws of the State to the construction of the grant, it is not a decision against its validity, and this court has no jurisdiction.[9]

The United States never held any municipal sovereignty, jurisdiction,

[1 United States *v.* Reynes, 9 Howard, 127. [2] Ib.; Davis *v.* Concordia., 9 Howard, 280. [3] United States *v.* Lynde, 11 Wallace, 633. [4] Ib., 632. [5] Bryan *v.* Kennett, 113 U. S., 179. [6] Delassus *v.* United States, 9 Peters, 117. [7] Ib. [8] Pollard's Lessee *v.* Hagan, 3 Howard, 212. [9] Ib., 693.]

or right of soil in and to the territory of which Alabama, or any of the new States, were formed, except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia legislatures, and the deeds of cession executed by them to the United States, and the trust created by the treaty of the 30th of April, 1803, with the French republic, ceding Louisiana.[1]

The term property in the treaty of 1803 with France, ceding Louisiana, comprehended every species of title, inchoate or perfect; embracing those rights which lie in contracts; those which are executory, as well as those which are executed. In this respect the relation of the inhabitants to their government is not changed. The new government takes the place of that which has passed away.[2]

The 3d article of the treaty ceding Louisiana provides that "the inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." "This article," the court said, "obviously contemplates two objects. One, that Louisiana shall be admitted into the union as soon as possible, upon an equal footing with the other States; and the other, that, till such admission, the inhabitants of the ceded territory shall be protected in the free enjoyment of their liberty, property, and religion. Had any one of these rights been violated while this stipulation continued in force, the individual supposing himself to be injured, might have brought his case into this court, under the twenty-fifth section of the judicial act. But this stipulation ceased to operate when Louisiana became a member of the union, and its inhabitants were 'admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States.' The right to bring questions of title decided in a state court, before this tribunal, is not classed among those immunities. The inhabitants of Louisiana enjoy all the advantages of American citizens, in common with their brethren of their sister states, when their titles are decided by the tribunals of the State."[3]]

The obligations assumed by the United States under the treaty of 1800 were the subject of three opinions of Attorney General Lincoln.[4]

FREE SHIPS.

[The rules, that neutral bottoms make neutral goods, and that enemies' bottoms make enemies' goods, are not only separable in their nature but have been generally separated; and they are held, by the United States, to be distinct. Consequently, a stipulation for the former rule, in a treaty, does not silently introduce the latter.[5]

The 6th and 14th articles of the treaty with Spain of the 27th of October, 1795, prohibit a citizen of the United States from taking a commission to cruise against Spanish vessels and property in a privateer, but not in a public armed vessel of a belligerent nation.[6]

Under the treaty with Spain of 1795, stipulating that free ship should

[[1] Pollard's Lessee *v.* Hagan, 3 Howard, 212. [2] Smith *v.* United States, 10 Peters, 326. [3] City of New Orleans *v.* Armas *et al.*, 9 Peters, 234.] [4] 1 Op. At.-Gen., 114, 119, 136. For other opinions see under title "Extradition," "Consuls." "Exterritoriality." [[5] The Nereide, 9 Cranch, 388. [6] The Santissima Trinidad, 7 Wheaton, 283.]

make free goods, it was held that, the Spanish character of the ship having been ascertained, it was unnecessary to inquire into the proprietary interest of the cargo, unless so far as to ascertain that it does not belong to citizens of the United States; for the treaty, it was said, would certainly not protect the property of American citizens trading with the enemy (Amelia Island, 1814,) in Spanish ships.[1]

By the Spanish treaty of 1795, free ships make free goods; but the form of the passport, by which the freedom of the ship was to have been conclusively established, never having been annexed to the treaty, the proprietary interest of the ship is to be proved according to the ordinary rules of the prize court, and if thus shown to be Spanish, will protect the cargo on board, to whomsoever the latter may belong.[2]

The 17th article of the treaty with Spain which provides for certain passports and certificates as evidence of property on board of the ships of both states, is, in its terms, applicable only to cases where either of the parties is engaged in war. This article required a certain form of passport to be agreed upon by the parties and annexed to the treaty. It never was annexed, and, therefore, in the case of The Amiable Isabella, 6 Wheaton, 1, it is held inoperative.[3]

The want of such a sea-letter or passport, or such certificates as are described in the 17th article, is not a substantive ground of condemnation. It only authorizes capture and sending in for adjudication, and the proprietary interest in the ship may be proved by other equivalent testimony.[4]]

GREAT BRITAIN.

[See "*Aliens*," "*Cession of Territory*," "*Citizenship*," "*Claims*," "*Treaties.*"]

On the 30th of November, 1782, John Adams, Benjamin Franklin, John Jay, and Henry Laurens signed at Paris, on behalf of the United States, Provisional Articles of Peace with Great Britain, in the first of which it was asserted that "His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States;" and on the third day of September, 1783, Adams, Franklin, and Jay signed at Paris the Definitive Treaty of Peace between the two Powers. The official correspondence connected with the negotiation of this Treaty has been printed under the care of Mr. Sparks.

It was provided by the 7th article of each Treaty that "His Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbor within the same."

But when the British forces were withdrawn from New York, on the 25th of the November following the signature of the definitive Treaty, they took with them, or sent in advance of their withdrawal, 3000 negroes,[5] in violation of the Treaty; and when Jay was commissioned in 1794 to proceed to London to negotiate the Treaty which bears his name, British troops still occupied Detroit, Mackinaw, Fort Erie, (Buffalo,)

[[1] The Pizarro, 2 Wheaton, 227. [2] The Amiable Isabella, 6 Wheaton, 1. [3] United States. *v.* The Amistad, 15 Peters, 518. [4] The Pizarro, 2 Wheaton, 227.] [5] 1 F. R. F., 206.

Niagara, Oswego, Oswegatchie, Point au Fer, and Dutchman's Point,[1] notwithstanding the agreement to evacuate them.

Soon after Washington became President he set about the restoration of good relations between the two countries, by attempting to secure an observance of the Treaty by Great Britain.

"Conceiving that, in the possible event of a refusal of justice on the part of Great Britain, we should stand less committed should it be made to a private rather than to a public person,"[2] he directed Gouverneur Morris to go to London and to sound the Ministry. Morris did so, and had interviews with the Duke of Leeds and with Pitt. The latter professed a desire to maintain good relations, but wanted a new Treaty. Morris answered that he "did not see what better could be done than to perform the old one," and added: "As to the compensation for negroes taken away, it is too trifling an object for you to dispute, so that nothing remains but the posts. I suppose, therefore, that you wish to retain those posts." Pitt replied: "Why, perhaps we may."[3]

Great Britain not being represented at that time in the United States, Morris urged that a Minister should be sent out. They complied with his request, and on the 29th of November, 1791, Jefferson, then Secretary of State, opened with Hammond, the new Minister, formal negotiations to secure the long-delayed performance of the 7th article of the Treaty of 1783.[4]

On the 30th of November Hammond replied to Jefferson's note thus: "With respect to the non-execution of the seventh article of the definitive Treaty of Peace between His Britannic Majesty and the United States of America, which you have recalled to my attention, it is scarcely necessary for me to remark to you, Sir, that the King, my master, was induced to suspend the execution of that article, on his part, in consequence of the non-compliance, on the part of the United States, with the engagements contained in the fourth, fifth, and sixth articles of the same Treaty. These two objects are, therefore, so materially connected with each other as not to admit of separation, either in the mode of discussing them, or in any subsequent arrangements which may result from that discussion."[5]

Jefferson met this on the 15th of December, by a note stating briefly the American position as to the British infractions of the Treaty and producing evidence in its support.[6] This drew from Hammond an elaborate reply on the 5th of March, 1792,[7] in which he contended (1) that the United States had failed to execute the 4th article of the Treaty, by not preventing the placing of impediments in the way of the recovery, in sterling, of debts due to British subjects; (2) that interest had not been allowed on judgments in favor of British creditors; and (3) that article 5 had not been carried into effect by the United States, inasmuch as confiscated estates had not been restored; and that therefore "the measure that the King has adopted (of delaying his compliance with the 7th article of the Treaty) is perfectly justifiable." To this, Jefferson, on the 29th of May, 1792, replied, (1) that impediments, within the meaning of the Treaty, had not been thrown in the way of the collection of British debts in the United States; (2) that interest is not an integral part of a debt under British and American law, and therefore it was not embraced in the Treaty; (3) that the United States had only undertaken in the Treaty to recommend the States to restore confiscated estates, and had fully complied with that agreement; and he showed conclusively that it was understood both by the Ministry and by both

[1] 1 F. R. F., 190. [2] Message, Feb. 14, 1791; 1 F. R. F., 121. [3] Ib., 124. [4] Ib., 188, et seq. [5] Ib., 189. [6] Ib., 190–193. [7] Ib., 193.

Houses of Parliament, when the Treaty was negotiated, that the American Plenipotentiaries not only would not agree to restore the confiscated estates, but expressed the opinion that the States themselves would not restore them, even if recommended by Congress to do so; (4) that the British infractions of the Treaty, so far from being the result of alleged infractions by the United States, preceded them, and were in no way dependent upon them.[1]

More than a year elapsed without a reply. Jefferson then, on the 19th of June, 1793, wrote Hammond, asking when one might be expected. "The subject," he said, "was extensive and important, and therefore rendered a certain degree of delay in the reply to be expected. But it has now become such as naturally to generate disquietude. The interests we have in the Western posts, the blood and treasure which their detention costs us daily, cannot but produce a corresponding anxiety on our part."[2] Hammond replied that as soon as he should receive instructions the reply should be transmitted, and added, "There is one passage in your letter of yesterday, Sir, of which it becomes me to take some notice. The passage I allude to is that wherein you mention 'the blood and treasure which the detention of the Western posts costs the United States daily.' I cannot easily conjecture the motives in which this declaration has originated. After the evidence that this Government has repeatedly received of the strict neutrality observed by the King's Governors of Canada, during the present contest between the United States and the Indians, and of the disposition of those officers to facilitate, as far as may be in their power, any negotiations for peace, I will not for a moment imagine that the expression I have cited was intended to convey the insinuation of their having pursued a different conduct."[3]

Jefferson made no response to this. In a few months he again asked Hammond whether he was prepared to reply on this subject of the infractions of the Treaty.[4] No answer was ever made.

In the autumn of 1793 a new question of difference arose. The Admiralty instructions to British ships of War and privateers, issued in June, 1793, ordered the seizure of all neutral vessels laden with corn, flour, or meal, destined for French ports, and of all neutral vessels, except those of Denmark and Sweden, attempting to enter any blockaded port.[5] As Denmark, Sweden, and the United States were the principal neutral maritime powers, there was no question as to the vessels against which the latter provision was aimed. When complaint was made of the order to seize vessels laden with provisions, it was justified by Great Britain on the assumption that provisions were contraband of war.[6] Edmund Randolph, Jefferson's successor as Secretary of State, met this by saying: "We have labored to cultivate with the British nation perfect harmony. We have not attempted by a revival of maxims which, if ever countenanced, are now antiquated, to blast your agriculture or commerce. To be persuaded, as you wish, that the instructions of the 8th of June, 1793, are in a conciliatory spirit, is impossible. And be assured, Sir, that it is a matter of sincere regret to learn the intention of your Government to adhere to them, notwithstanding our representations, which utter, as we flatter ourselves, the decent but firm language of right."[7]

Under such circumstances President Washington, on the 16th of April, 1794, sent a message to the Senate, in which, referring to the "serious aspect of our affairs with Great Britain," he said: "But, as peace ought to be pursued with unremitted zeal, before the last resource, which has

[1] 1 F. R. F., 201–237. [2] Ib., 238. [3] Ib. [4] Ib. [5] Ib., 240. [6] Ib.; also 448–454. [7] Ib., 451

so often been the scourge of nations, and cannot fail to check the advancing prosperity of the United States, is contemplated, I have thought proper to nominate, and do hereby nominate, John Jay as Envoy Extraordinary of the United States to His Britannic Majesty."[1]

The nomination was confirmed by a vote of 18 to 8. Jay's instructions were dated the 6th of May, 1794.[2] He sailed from New York on the 12th of the same month.[3]

He had scarcely left the shores of the United States when a new and still more irritating cause of difference arose. Lord Dorchester, the Governor-General of the British possessions in America, in a speech to the Indian tribes which were in hostility with the United States, said: "Children, since my return I find no appearance of a line remains, and, from the manner in which the people of the States push on, and act and talk on this side, and from what I learn of their conduct towards the sea, I shall not be surprised if we are at war with them in the course of the present year; and, if so, a line must then be drawn by the warriors."[4] Simultaneously with this three companies of a British regiment went to the foot of the rapids of the Miami, in the southern part of what is now the State of Ohio, to build a fort there.[5] When complaints were made of these hostile acts, the British Minister at Washington justified both as defensible preparations for an actual state of war about to begin between the two nations, and he retorted by complaining of the fitting out of French privateers in American ports, and of the "uniformly unfriendly treatment which His Majesty's ships of war * * experienced in the American ports."[6] President Washington, in transmitting the correspondence to both Houses of Congress, said: "This new state of things suggests the propriety of placing the United States in a posture of effectual preparation for an event which, notwithstanding the endeavors making to avert it, may, by circumstances beyond our control, be forced upon us."[7]

The treaty concluded by Jay on the 19th of November, 1794, removed or suspended these grave causes of difference. It named a day for the withdrawal of British troops from the territories of the United States. The United States undertook to make compensation to British creditors who had been prevented by "lawful impediments,"[8] in violation of the Treaty of 1783, from the recovery of their debts. Great Britain agreed to make compensation to the merchants and citizens of the United States whose vessels had been illegally captured or condemned. The United States undertook to make compensation to certain British subjects whose vessels or merchandise had been captured within the jurisdiction of the United States and brought into the same; or had been captured by vessels originally armed in the ports of the United States. It was agreed that provisions and other articles not generally contraband of war should not be confiscated if seized, but that the owners should be fully indemnified; and that vessels approaching a blockaded port, in ignorance of the blockade, should not be detained, nor the cargo confiscated unless contraband.

The instructions to Jay embraced many other subjects. How far they were executed, and why he failed to comply with some of them, will appear by reference to the instructions and correspondence which accompanied the President's message of June 8, transmitting the Treaty to the Senate.[9] The reasons which induced the President and his advisers to assent to it are detailed in a letter from Pickering to Monroe of Sep-

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[1] 1 F. R. F., 447. [2] 3 Ib., 472. [3] 1 Life of Jay, 314. [4] 1 F. R. F., 462. [5] Ib., 461. [6] Ib., 462. [7] Ib., 461. [8] Art. 6. [9] 1 F. R. F., 470–525.

tember 12, 1795.[1] This Treaty was the cause of the long and able debates in Congress, which have been referred to in the Introductory Note. On the 5th of May, 1796, President Washington submitted to the Senate an explanatory article with the reasons which had made it necessary,[2] and another explanatory article was added in March, 1798.

The appropriations for carrying into effect the Treaty of 1794 were made by Congress on the 6th of May, 1796,[3] and by Parliament on the 4th of July, 1797.[4]

Two mixed commissions were speedily organized; one in London, and one at Philadelphia.

The latter had jurisdiction of the claims arising from alleged impediments thrown in the way of the collection of debts due British subjects by American debtors. The aggregate of the claims made before this commission was about $25,000,000. On the 19th of March, 1798, Congress appropriated $300,000 for the payment of the awards up to that time.[5] In the summer of the following year the sessions were suspended and were never resumed. The circumstances attending the suspension are related in a letter from Pickering, Secretary of State, to Rufus King, dated September 4, 1799.[6] "A letter received last evening," he says, "from Mr. Fitzsimmons, informed me that Mr. Macdonald and Mr. Rich, Commissioners appointed by Great Britain, under the sixth article of the Treaty of Amity and Commerce, were going to embark for England in the packet to sail this week from New York. * * I do not know that this step, if it could be prevented, should be objected to, because I see no probability that the business of the board can ever be executed by the present members. Independently of the opinions strongly expressed, which it would not be easy to retract, there appears to me an *incompatibility of temper;* if I am rightly informed, it would be difficult for any set of American Commissioners to act harmoniously with Mr. Macdonald, unless they possessed such meek and yielding dispositions as to submit implicitly to his dogmas."

On the 31st of December, 1799, King was instructed to endeavor to effect a settlement of this class of claims by Treaty. An account of the details of this delicate negotiation will be found in the second volume of the Folio Edition of the Foreign Relations, pages 382 to 428.[7] The parties succeeded in agreeing upon six hundred thousand pounds sterling as the sum to be paid by the United States in discharge of its obligations in this respect; a convention to that effect was concluded; and, on the 2d of May, 1802, Congress made an appropriation to carry the Convention into effect.

The Commission at London was charged with ascertaining the amount of the claims of British subjects against the United States for injuries received in consequence of the violation of the neutrality of American waters, and of the claims of American citizens on Great Britian for captures made in violation of international law. Many of the latter were disposed of through a preliminary examination made by Sir William Scott, who was acting as counsel for the United States, and Dr. Nicholl, one of the British Commissioners.[8] Great Britain accepted the results of this examination, and paid the amounts found due.

The Commission itself was organized on the 16th of August, 1796, at the house of Dr. Nicholl, in Lincoln's Inn Fields, Mr. Gore and Mr. Pinckney being the American Commissioners, and Mr. Nicholl and Mr. Anstey the British Commissioners. Being unable to agree upon a fifth Commissioner, the names of Col. Trumbull, of Connecticut, and of Mr.

[1] 1 F. R. F., 596. [2] Ib., 551. [3] 1 St. at L., 459. [4] 2 F. R. F., 103. [5] 1 St. at L., 545. [6] 2 F. R. F., 383. [7] See particularly pages 424–426. [8] 2 F. R. F., 120.

Swabey, of London, were placed in an urn, and Col. Trumbull's name was drawn. Mr. Swabey was afterward substituted for Dr. Nicholl.

"Repeated objections to the jurisdiction of the Commission having, about the middle of [the following] December, brought the board to a stand;" Rufus King, then Minister at London, asked of Lord Grenville a conference, which took place on the 10th of December.[1] King complained that "the Commissioners on the part of His Majesty's Government had intimated an opinion that it was their duty, in every case in which the King's proctor should deny the jurisdiction of the Board, to abstain from deciding such questions of jurisdiction, and to refer the same to their Government for instructions; and that in case a majority of the Board of Commissioners should differ from them in this opinion it would be lawful for them to withdraw, and thereby incapacitate the Board from deciding such questions."[2]

Grenville replied that "the right to withdraw is perhaps countenanced by that part of the 7th Article that required the presence of one Commissioner at least on each side; thus leaving with the respective Governments a power, by instructing their Commissioner to withdraw to prevent the decision of any question not intended to be submitted to them."[3] Grenville concluded the interview "expressing a wish that Mr. King would have a conference on the subject with the Lord Chancellor."[4] Lord Loughborough was at that time Lord Chancellor. King had more than one interview with him. In one of them he reports, "Upon its being suggested that the same embarrassments might arise in future if, upon every objection to the competency of the Commissioners, a reference must be made to the respective Governments for their instructions, instead of such questions being decided by the Commissioners themselves, the Chancellor said that the doubt respecting the authority of the Commissioners to settle their own jurisdiction was absurd; and that they must necessarily decide upon a case's being within or without their competency."[5] After this Grenville sent for the British Commissioners and told them that it was the opinion of the King's Government that they should proceed in examining and deciding every question that should be brought before them according to the conviction of their consciences.[6]

The Commission went on with its work until June, 1798, when it was again interrupted by a misunderstanding between the Commissioners; but it was not until the 25th of July, 1799, that the proceedings were formally suspended, "by the orders of His Britannic Majesty,"[7] which were understood to have been given in consequence of the suspension of proceedings in Philadelphia.

Proceedings were resumed on the 15th day of February, 1802,[8] after the conclusion of the Convention for settling the differences respecting the sixth article of the Treaty of 1794, and were continued until the 24th of February, 1804, when Gore and Pinckney announced that the Commissioners had "closed the Commission after having completely fulfilled the objects of their appointment."[9]

At the time when the proceedings were interrupted in 1798, the American Agent reported to the Secretary of State that "the awards [against

[1] Mr. King's No. 26, Feb. 20, 1797, MS. Dept. of State. The main difference was respecting the right to revise decisions of the British Admiralty Courts. Lord Loughborough, on being appealed to, said, "it was the intention to clothe this commission with power paramount to all the maritime courts of both nations." (Trumbull's Reminiscences, cited in Lawrence's Wheaton, note 205.) [2] Mr. King's No. 26, Feb. 20, 1797, MS. Dept. of State. [3] Ib. [4] Ib. [5] Ib. [6] Ib. [7] Gore and Pinckney to Pickering, July 25, 1799, MS. Dept. of State. [8] Minutes of the Commission. MS. Dept. of State [9] Gore and Pinckney to Madison, February 24, 1804, MS. Dept. of State.

Great Britain] made and completed by the Board of Commissioners, and payable on the 5th instant, amounting to £34,516 16 2½ sterling, have been discharged with cash by this Government: those made by Sir William Scott and Dr. Nicholl on 39 cases for costs and damages, amounting, with interest to the 5th instant, to £24,659 7 1, we daily expect will be paid."[1]

The subsequent awards against Great Britain, amounted to £1,225, 001-14-10.

The condition of the archives renders it impossible to state with certainty the precise amount of British claims on the United States awarded by the Commission. Various letters of the American Commissioners show awards amounting to $33,590.60 prior to the suspension; but it is possible that there were other awards, as Congress on the 15th of January, 1798, appropriated $52,000 to pay the awards made up to that time.[2] There were forty-two cases pending at the time of the suspension, on seven only of which were adverse awards afterwards rendered, amounting to $109,833.50. The appropriations for paying these sums will be found in 2 St. at L. 202, 248, 307, and 336.

During the latter part of his mission Rufus King, under instructions was engaged in the negotiation of a Convention for settling the boundaries between the United States and the British possessions in America. In the Convention which was concluded on the 12th of May, 1803, a provision was made (in the 5th article) that the line between the river Mississippi and the Lake of the Woods should be the shortest line which could be drawn between the two points. Before this could be acted on by the Senate, the Treaty for the cession of Louisiana was confirmed, giving to the United States the French rights under the Treaty of Utrecht.[3] The Senate therefore advised that the Treaty should be ratified without the 5th article.[4] Great Britain did not assent to the amendment.

Monroe and Pinckney, the successors of King, signed on the 31st day of December, 1806, at London, a Treaty of Amity and Commerce, the commercial articles of Jay's Treaty being about to expire. Lords Holland and Auckland were the British Plenipotentiaries.[5] This Treaty was not sent to the Senate for approval, because it contained no abandonment of the claim to impress citizens of the United States.[6] President Jefferson, in a Message to Congress on the 27th of Oct., 1807, said of the negotiators that "after long and fruitless endeavors to effect the purposes of their mission, and to obtain arrangements within the limits of their instructions, they concluded to sign such as could be obtained, and to send them for consideration, candidly declaring to the other negotiators, at the same time, that they were acting against their instructions, and that their Government, therefore, could not be pledged for ratification."[7]

It is not within the province of this note to treat of the various discussions and acts which followed, embittering the relations between the

[1] Cabot to Pickering 28 July, 1798, MS. Dept. of State. [2] 1 St. at L., 536. [3] "The northern boundary, we have reason to believe, was settled between France and Great Britain by commissioners, appointed under the treaty of Utrecht, who separated the British and French territories, west of the Lake of the Woods, by the 49th degree of latitude." Madison to Livingston, 2 F. R. F., 574. See also 3 F. R. F., 90 and 97. See also Monroe's paper, 3 F. R. F., 97. Madison may have been mistaken in his belief. There is no evidence, either in the French or British archives, of the appointment of a boundary commission under the Treaty of Utrecht; and in a memorial of the Hudson Bay Co., marked as received August 13, 1719, it is stated that "the running of a line betwixt the English and French Territories yet remained to be done." (Mr. Bancroft to Mr. Fish, Sept. 1, 1873, MS. Dept. of State.) [4] 2 F. R. F., 584-591. [5] 3 F. R. F., 147. [6] Ib., 154. [7] 1 F. R. F., 70.

two Governments. The published correspondence respecting the British claim of a right to impress American seamen, the attack upon the Chesapeake, the orders in council, the seizure and condemnation of American vessels, &c., &c., will be found in the third volume of the folio edition of the "Foreign Relations." The Statutes which were enacted during this period, affecting the relations between the United States and Great Britain, will be found in the second volume of the Statutes at Large.[1]

On the 1st of June, 1812, President Madison transmitted a confidential message to Congress respecting the relations with Great Britain. It ended without recommending any particular action.[2] It was received in each Body with closed doors.[3] In the House it was considered on the 2d and 3d of June with closed doors. On the 3d, Calhoun, from the Committee on Foreign Relations to whom it had been referred, reported (the House being in secret session) "that after the experience which the United States have had of the great injustice of the British Government towards them, exemplified by so many acts of violence and oppression, it will be more difficult to justify to the impartial world their patient forbearance, than the measures to which it has become necessary to resort to avenge the wrongs and vindicate the rights and honor of the nation. * The period has now arrived when the United States must support their character and station among the nations of the earth. * More than seven years have elapsed since the commencement of this system of hostile aggressions by the British Government on the rights and interests of the United States. * As early as 1804 the Minister of the United States at London was instructed to invite the British Government to enter into a negotiation on all the points on which a collision might arise between the two countries in the course of the war, and to propose to it an arrangement of their claims on fair and reasonable conditions. The invitation was accepted. * It was at this time, and under these circumstances that an attack was made, by surprise, upon an important branch of the American Commerce. * The commerce on which this attack was so unexpectedly made, was that between the United States and the Colonies of France, Spain, and other enemies of Great Britain. * In May, 1806, the whole coast of the continent from the Elbe to Brest, inclusive, was declared to be in a state of blockade. By this act the well-established principles of the law of nations—principles which have served for ages as guides, and fixed the boundary between the rights of belligerents and neutrals—were violated. * The next act of the British Government which claims our attention is the order of council, of January 7, 1807, by which neutral powers are prohibited from trading from one port to another of France or her allies, or any other country with which Great Britain might not freely trade. * We proceed to bring into view the British order in council of November 11, 1807. * By this order all France and her allies, and every other country at war with Great Britain, or with which she was not at war, from which the British flag was excluded, and all the colonies of her enemies, were subjected to the same restrictions as if they were actually blockaded in the most strict and rigorous manner; and all trade in articles, the produce and manufacture of the said countries and colonies, and the vessels engaged in it, were subject to capture and condemnation as lawful prize. * The attempt to dismember our Union, and overthrow our excellent Constitution, by a secret mission, the object of which was to foment discontent

[1] Respecting embargoes, pages 451, 453, 473, 490, and 700; respecting the interdiction of intercourse with Great Britain, pages 528, 547, 605, and 651; the declaration of war, 755. [2] 1 Statesman's Manual, 293. [3] Annals, 1st Sess. 12th Cong., 250 and 1481.

and excite insurrection against the constituted authorities and laws of the nation, as lately disclosed by the agent employed in it, affords full proof that there is no bound to the hostility of the British Government against the United States. * The dates of British and French aggressions are well known to the world. Their origin and progress have been marked by too wide and destructive a waste of the property of our fellow-citizens to have been forgotten. The decree of Berlin of November 21, 1806, was the first aggression of France in the present war. Eighteen months had then elapsed after the attack made by Great Britain on our neutral trade with the colonies of France and her allies, and six months from the date of the proclamation of May, 1806. * From this review of the multiplied wrongs of the British Government, since the commencement of the present war, it must be evident to the impartial world that the contest which is now forced on the United States is radically a contest for their sovereignity and independence.

* Your Committee recommend an immediate appeal to arms." [1]

The House passed a bill entitled "An act declaring war between Great Britain and her dependencies, and the United States and their territories," and on the 5th of June transmitted it to the Senate with a request that it might be considered confidentially.[2] The Senate amended it and passed it as amended on the 17th of June.[3] On the 18th of June the House informed the Senate that the amendments were concurred in,[4] and on the same day the bill was signed by the President and became a law.[5]

In the Message to Congress of Nov. 4th, 1812, President Madison says: "Anxious to abridge the evils from which a state of war cannot be exempt, I lost no time, after it was declared, in conveying to the British Government the terms on which its progress might be arrested, without awaiting the delays of a formal and final pacification."[6]

The communication to Jonathan Russell, the chargé d'affaires in London, to which allusion is thus made, says, "Although there are many just and weighty causes of complaint against Great Britain, you will perceive by the documents transmitted that the orders in Council, and other blockades, illegal according to the principles lately acknowledged, and the impressment of our seamen are considered to be of the highest importance. If the orders in Council are repealed, and no illegal blockades are substituted for them, and orders are given to discontinue the impressment of seamen from our vessels, and to restore those already impressed, there is no reason why hostilities should not immediately cease. Securing these objects you are authorized to stipulate for an armistice."[7]

The next step taken for the restoration of peace was a proposal for mediation made by the Emperor of Russia, through John Quincy Adams, the Minister of the United States at St. Petersburg, and also through his own Minister at Washington. His offers were accepted by the United States. James Bayard, Gallatin, and John Quincy Adams were on the 15th of April, 1813, instructed to proceed to St. Petersburg. Their elaborate instructions indicated many subjects for consideration in the possible negotiations, but concluded thus: "Your first duty will be to conclude a peace with Great Britain. * You are authorized to do it in case you can obtain a satisfactory stipulation against impressment. * * It is deemed highly important also to obtain a definition of neutral rights, * especially of blockade, * but it is not to be made an indispensable condition of peace."[8]

[1] 3 F. R. F., 567-570. [2] Annals 1st Sess. 12th Cong., 266. [3] Ib., 298. [4] Ib. [5] 2 St. at L., 755. [6] 1 F. R. F., 81. [7] Monroe to Russell, June 26, 1812, 3 F. R. F., 585. [8] Ib., 700.

On his way to St. Petersburg, Gallatin addressed from Göttenburg a letter to Alexander Baring, of London, to which he received a reply (transmitted by him to Monroe as "semi-official") in which the writer said: "Mediation has been refused, with expressions of our desire to treat separately and directly here, or, if more agreeable to you, at Göttenburg. * * Should you come here you will be received with confidence in your intentions, with great personal respect, and with a determination to come to terms of peace with you, if it be found practicable to do so, consistently with the safety of our maritime power, supposed to be, and which undoubtedly is, involved in this question. * * I must freely confess that, highly as I value a state of peace and harmony with America, I am so sensible of the danger to our naval power from anything like an unrestricted admission of your principles, that I should almost incline to think it safer to consider an American as an inevitable concomitant of a French war, and to provide for it accordingly."[1]

As Baring said, mediation was declined by Great Britain. The Envoys were received among the Diplomatic Corps at St. Petersburg, but accomplished nothing. Bayard and Gallatin left for London, and the latter received the information that the Senate had declined to approve his nomination on the ground that the duties of the mission were incompatible with those of Secretary of the Treasury, which office he held at that time.

Lord Castlereigh having thus declined the mediation of a third power, wrote to the Department of State suggesting a direct negotiation between the two powers. The suggestion was accepted, and Clay and Jonathan Russell were added to the Commission, and new instructions in the same spirit were issued to the four commissioners on the 28th of January, 1814.[2] Before they reached Göttenburg, Napoleon had abdicated and the Continental war was over. Clay arrived out in April, and heard on arrival, from Bayard, who was in London, that the change of events might "have an unfavorable influence upon the state of affairs between the United States and Great Britain." Bayard suggested that without delay he should notify the British Government of his appointment, and of his presence at Göttenburg, and that the negotiations should be transferred to some town in Holland.[3] Clay replied that the question was a delicate one in view of what had taken place; that he was alone; that a letter from him, therefore, would have but little weight and that he would authorize Bayard to act for him.[4] Bayard and Gallatin then notified Castlereigh that the Commissioners had all arrived and were prepared to meet whoever might be named Commissioners by the King of Great Britain.[5]

Lord Bathurst replied on behalf of Great Britain that British Commissioners would be appointed to meet the Americans, and suggested that the place of meeting should be changed to Ghent,[6] to which proposal the Americans acceded.[7]

About the same time Bayard and Gallatin wrote to Monroe that the changed state of affairs would have a serious effect upon the war between Great Britain and the United States; that there was a strong resentment felt against the United States; that it would be difficult to control it; that peace could be had, but that it seemed certain that

[1] Alexander Baring to Gallatin, July 22, 1813, MS. Dept. of State. [2] 3 F. R. F., 701. [3] Bayard to Clay, April 20, 1814, MS. Dept. of State. [4] Clay to Bayard, May 2, 1814, Ib. [5] Bayard and Gallatin to Castlereigh, May 13, 1814, Ib. [6] Bathurst to Gallatin and Bayard, May 16, 1814, Ib. [7] Bayard and Gallatin to Bathurst, May 17, 1814, Ib.

whatever modification in the practice of impressment might be obtained the point itself would not be conceded.[1]

On the 25th of June, 1814, Monroe instructed the Commissioners that if no stipulation could be obtained from the British Government, either relinquishing the claim to impress from American vessels, or discontinuing the practice, they might concur in an article stipulating that the subject of impressment, together with that of commerce between the two countries, should be referred to a separate negotiation to be undertaken without delay.[2] On the day following these instructions Monroe received Bayard and Gallatin's letter of the 6th of May. On the 27th he instructed the Commissioners that on mature consideration it had been decided that they might omit any stipulation on the subject of impressment, if found indispensably necessary to terminate the war.[3]

By the 11th of July the American Commissioners had notified the Secretary of State that they were at Ghent. The first conference was held on the 8th of August. The course which the negotiations took may be found detailed in Foreign Relations, Folio, vol. 3, pages 695–748, and vol. 4, pages 808–811. The British Commissioners brought forward (1) Impressment; (2) Pacification of the Indians and assignment of a territory to them to be taken from the territories of the United States, with defined boundaries; (3) Revision of the boundary-line between the United States and Great Britain, including the control of the Lakes by Great Britain; (4) The Fisheries, which the Americans were not to be permitted to enjoy without an equivalent. The American Commissioners brought forward—(5) Definition of a blockade; (6) Claims for indemnity for capture and seizure; (7) Other points, the right to present which were reserved.

On the 4th of October the Secretary of State sent his last instructions to the Commissioners: "You are authorized, should you find it impracticable to make an arrangement more conformable to the instructions originally given, to agree to the *status quo ante bellum* as the basis of negotiation. The great and unforeseen change of circumstances, particularly the prospect of a more durable state of peace between Great Britain and the Continental Powers of Europe, and of security to our maritime rights, justify this change of our ultimatum. Our right to the fisheries to the full extent of our territory as defined by the Treaty of 1783 with Great Britain, and those of subsequent date with other powers, and to trade with all other independent nations, are, of course, not to be relinquished; nor is anything to be done which would give a sanction to the British claim of impressment on board our vessels, or to that of blockading without the actual application of an adequate force. With these explanations you are at liberty to make such a Treaty as your own judgments shall approve, under existing circumstances, subject only to the usual requisite of ratification here. It is important to the United States to make peace, but it is more important to them to preserve their rights as an independent nation, which will in no event be surrendered."[4]

Under these instructions the Treaty was concluded on the 24th day of December, 1814.

John Quincy Adams was appointed minister at London on the 23th of February, 1815. Clay and Gallatin also went there, and negotiations were opened for a Commercial Convention. The official conferences began on the 18th of May, 1815.[5] Napoleon having meanwhile returned from Elba, the American Commissioners endeavored to take advantage of the situation to secure stipulations respecting impressment and a

[1] Bayard and Gallatin to Monroe, May 16, 1814, MS. Dept. of State. [2] 3 F. R. F. 703. [3] Ib. 704. [4] MS. Dept. of State., [5] 4 F. R. F., 8.

definition of blokades.[1] The discussions were prolonged until after the battle of Waterloo. No such provisions were obtained. The debates in Congress on this Treaty have been referred to in the Introductory Note. Discriminating duties collected on British vessels, after it went into operation, and in violation of its provisions, were refunded under an act of Congress.[2]

Among the subjects discussed by the Commissioners at Ghent was the naval force to be maintained on the Lakes. No determination was come to; but soon after the peace a correspondence began which ended by an agreement respecting it made in Washington, which was submitted to the Senate for approval, and, when approved, was proclaimed by the President.[3]

Some steps were taken in the Treaty of Ghent toward adjusting the disputed boundary between the United States and the British possessions.

The fourth article provided for a Commission to determine the sovereignty over the Islands in and near Passamaquoddy Bay. The execution of this provision and the correspondence relating to it will be found in volume 4 Foreign Relations, Folio, pages 171–173.

The fifth article provided for a Commission to determine and to mark the boundary from the source of the St. Croix to the river St. Lawrence, (called the Iroquois or Cataraquy), on the 45th parallel. This was the disputed line which Mr. King's treaty aimed to settle in 1803. The Treaty of 1783 required it to be run on the Highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean. Great Britain contended that it should be run upon the Highlands to the south of the St. John's; but that line of Highlands turned no water into the St. Lawrence. The United States contended that it should be run on the Highlands to the North of that river—that being the only water-shed that turned its northern waters into the St. Lawrence, and its southern waters into the Atlantic, although through the Bay of Fundy. The Commission under the Treaty of Ghent disagreed in opinion and made separate reports to their Governments.[4] The subject, which afterwards became known, diplomatically, as the Northeastern Boundary Question, was, in 1827, referred to the decision of the King of the Netherlands;[5] but his award was satisfactory to neither party, and was rejected by both. Negotiations were from time to time resumed, but they proved fruitless until the Treaty of 1842, when by mutual consent the present line was established. For a complete review of the negotiations see Mr. Webster's speech in the Senate, April 6 and 7, 1846, and the messages and correspondence there referred to.[6]

The sixth and seventh articles of the Treaty of Ghent provided for a Commission to determine and mark the boundary from the 45th parallel on the St. Lawrence to the northwesternmost point of the Lake of the Woods. This Commission was duly appointed, and in 1822 reported its work respecting so much of the boundary as was referred to in the 6th article, viz, from the 45th parallel on the St. Lawrence to the water communication between Lake Huron and Lake Superior.[7] The line indicated by the seventh article was affected by the provisions of the second article of the Convention of 1818. This was also marked; but the line as marked was changed in part by the provisions of the second article of the Treaty of 1842.

[1] 4 F. R. F., 8. [2] 3 St. at L., 377. [3] 4 F. R. F., 202–207. [4] 5 F. R. F., 138–9. [5] 6 F. R. F., 643. [6] 5 Webster's Works, 78; Appendix to Globe, 1st Sess. 29th Cong., 524–537. [7] 5 F. R. F., 241–245.

The rights of the United States in the British fisheries were not referred to in the Treaty of Ghent, and a controversy speedily arose on the British claim to exclude American fishermen from the inshore fisheries. The diplomatic circumstances which led to the conclusion of that part of the Convention of 1818 which relates to the fisheries have been referred to in the Introductory Note. The correspondence relating to it will be found in the 4th volume of the Folio Foreign Relations, pages 348–407. See, also, the papers submitted to the Senate with the Treaty of 1871, pages 35-50.[1] The subject has been often discussed in Congress. The debate in the Senate in the year 1852 presents a thorough discussion of the merits.[2]

It was contended by the United States, and denied by Great Britain, that the provisions of the first article of the Treaty of Ghent required the latter to make restitution or compensation for slaves who, at the date of the ratification, were in any place that was to be restored to the United States, and who were not delivered up with the territory. The parties being unable to agree, it was provided in the Convention of 1818 that this question should be referred to some friendly sovereign or State; and in 1822 it was referred to the decision of the Emperor of Russia, who rendered an award in favor of the United States.[3] A joint commission was then appointed to ascertain the claimants and the amount of their claims under this award.[4] Langdon Cheves was the American Commissioner, George Jackson the British. Their proceedings, which commenced August 25, 1823, were terminated in December, 1825, by "a most extraordinary refusal of Mr. Jackson to execute the 5th article of the Convention. * * This malformation of the Tribunal could only have been remedied by a spirit of mutual concession and accommodation between its component members. Such a spirit has, unfortunately, not been evinced in the course of its proceedings by Mr. Jackson."[5] The whole question was settled by the two Governments by a Convention on the 13th November, 1826, providing for the payment of an agreed sum.[6]

The undetermined boundary-line between the old province of Louisiana and the British-American possessions, the provisions concerning which defeated Rufus King's Treaty of 1803, presented itself again after the peace of 1814.[7] It was settled, temporarily, in the Treaty of 1818, by agreeing that the 49th parallel should be the boundary from the Lake of the Woods to the Rocky Mountains, and that the territory west of the Rocky Mountains should be occupied jointly for the term of ten years. Fort George, on the Columbia River, which had been withheld from the United States, in admitted violation of the provisions of the Treaty of Ghent,[8] was only then formally restored to them.[9]

Negotiations were opened at London in 1823, on the motion of the United States, for settling this boundary, but they came "to a close * * without any treaty or other engagement having been concluded."[10] The British Plenipotentiaries proposed "the 49th parallel to the point where it strikes the northernmost branch of the Columbia and thence down along the middle of the Columbia to the Pacific Ocean." Rush, on his own motion, refused this, and proposed the 49th parallel to the Pacific. The British Plenipotentiaries rejected this and made no new proposal in return.[11]

[1] S. Conf. E. Doc. A, Spec. Sess. [2] Globe, 1st Sess. 32d Cong. [3] 4 F. R. F., 106–126, correspondence accompanying the Convention of 1818. Ib., 348. 5 F. R. F., 214. [4] 4 F. R. F., 801. [5] 6 F. R. F., 339; see, also, 5 F. R. F., 801. [6] 6 F. R. F., 339–355. [7] 4 F. R. F., 851–864. [8] Rush to John Quincy Adams, Ib., 853. [9] Ib., 856. [10] 5 F. R. F., 533, No. 10, [11] Ib., 557.

In 1826 negotiations were resumed on the suggestion of the British Government. Canning inquired of Rufus King, then Minister at London, whether he was provided with instructions for their resumption.[1] King, who was about leaving London, answered that he had been awaiting special instructions, and transmitted the correspondence to Washington.[2] Clay, then Secretary of State, instructed Gallatin, King's successor, that the President could not consent that the boundary should be south of 49°. Gallatin attempted to conclude a convention on that basis,[3] but the attempt proved fruitless, and the negotiations terminated August 6, 1827, by an indefinite extention of the joint occupation subject to its termination on twelve months' notice by either party.[4]

This state of things was ended by the passage of a resolution in Congress, April 27, 1846, authorizing the President, "at his discretion, to give to the Government of Great Britain the notice required * * * for the abrogation of the Convention."[5]

On the 15th of the following June a Treaty was concluded at Washington, in which it was provided that the 49th parallel should be the boundary "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly, through the middle of said channel and of Fuca's Straits, to the Pacific Ocean." The debates in Congress on these subjects will be found in the Globe and Appendix for the 1st Sess. 29th Cong. The motives and purposes of the United States in making this settlement are set forth in the confidential document already referred to, submitted to the Senate with the Treaty of 1871. They were "so far to depart from the 49th parallel as to leave the whole of Quadra and Vancouver's Island to England."[6] What the British Ministry intended, was stated by Sir Robert Peel in the House of Commons on the 26th of June, 1846. "That which we proposed is the continuation of the 49th parallel of latitude till it strikes the Straits of Fuca; that that parallel should not be continued as a boundary across Vancouver's Island, thus depriving us of a part of Vancouver's Island, but that the middle of the channel shall be the future boundary, thus leaving us in possession of the whole of Vancouver's Island."[7] It is difficult to see the difference between these two propositions. Lord Palmerston, however, laid claim to run the boundary through the Rosario Straits, and to embrace within British sovereignty an archipelago of Islands, instead of Vancouver's Island only. The question remained open until it was settled by a provision in the Treaty of 1871, referring it to the Emperor of Germany to decide whether the Rosario Straits or the Canal de Haro was the channel through the middle of which the line should be run according to the true interpretation of the Treaty of 1846. The decision was in favor of the Haro Channel and of the claims of the United States.[8]

In the year 1827 the Commercial Convention of 1815, which had been renewed and extended in 1818, was again renewed. The United States struggled for more liberal agreements and for a more liberal interpretation of the existing agreement, but could secure neither.[9]

Ineffectual efforts were also made on both sides for the conclusion of a Treaty for the suppression of the African Slave-Trade. The Constitutional assent of the Senate could not be obtained to a provision authorizing a search of American vessels off the coasts of the United States.[10] No treaty arrangement was come to on this subject until the

[1] 6 F. R. F., 645. [2] MS. Dept. of State. [3] See 6 F. R. F., 646–706, for the details. [4] Ib., 1. [5] 9 St. at L., 109–10. [6] S. Conf., Ex. Doc. A, Spec. Sess. 1871, 79. [7] 87 Hansard, 51. [8] 5 Pap. rel Tr. W. [9] 4 F. R. F., 869; 5 F. R. F., 1, 12, 23, 224, 510; 6 F. R. F., 207, 94, 295, 382, 639. [10] 4 F. R. F., 740; 5 F. R. F., 69, 77, 90, 140, 315–347, 359, 629, 782. See Lawrence's Wheaton, note 31, for a sketch of these negotiations.

Treaty of 1842, negotiated by Mr. Webster and Lord Ashburton, which has already been referred to in connection with the northeastern and northern boundaries, and in the introductory note in connection with extradition. The United States have also made like ineffectual efforts to secure a treaty for the mutual surrender of fugitive slaves.[1] The debates in Congress on the Treaty of 1842 have already been referred to; the correspondence connected with it will be found in H. Ex. Doc. No. 2, 3d Sess. 27th Cong.

The acquisition of California, the easiest approaches to which, at that time, were through the various isthmus passages from Tehuantepec to Darien, raised new questions with Great Britain. It was supposed that the most practicable route for a ship-canal was through the State of Nicaragua, by way of the San Juan River and the lakes through which it passes. The eastern coast of Nicaragua was occupied by a tribe called the Mosquito Indians, and Lord Palmerston officially informed Abbott Lawrence, the American Minister at London, on the 13th of November, 1849, that "a close political connection had existed between the Crown of Great Britain and the State and Territory of Mosquito for a period of about two centuries."[2] This connection was asserted to have been founded on an alleged submission by the Mosquito King to the Governor of Jamaica. The investigations made under Lawrence's directions enabled the United States not only to deny that, by public law, Indians could transfer sovereignty in the manner alleged, but also to show by contemporary evidence that no such transfer had been made. He quoted Sir Hans Sloane's account of the matter: "One King Jeremy came from the Mosquitoes, (an Indian people near the provinces of *Nicaragua*, *Honduras*, and *Costa Rica*;) he pretended to be a king there, and came from the others of his country to beg of the Duke of Albermarle, Governor of Jamaica, his *protection*, and that he would send a governor thither with a power to war on the *Spaniards* and pirates. This he alleged to be due to his country from the Crown of *England*, who had in the reign of King *Charles I* submitted itself to him. The Duke of *Albermarle* did nothing in this matter."[3] And from another publication, reprinted in Churchill's Voyages, Lawrence was able to give an account of the original alleged submission in the time of Charles I: "He, the King, says that his father, Oldman, King of the Mosquito men, was carried over to England soon after the conquest of Jamaica, and there received from his brother King a crown and commission, which the present old *Jeremy* still keeps safely by him, which is but a cocked hat and a ridiculous piece of writing that he should kindly use and release such straggling Englishmen as should choose to come that way, with plantains, fish, turtle, &c."[4]

On the day that this despatch was sent from London, the Clayton Bulwer Treaty was concluded at Washington. The tentative proposa for it came from the United States.[5] It was stated after its conclusion that it was understood that it did not include British Honduras,[6] bu there was no contemporaneous statement to show the limits of British Honduras at that time. This Treaty has since been the subject of som discussion between the two Governments.[7]

In 1853 a convention was concluded for the adjustment of claims The commission sat in London, and took jurisdiction of many claims involving among them the right of visit and search on the high sea the construction of the Convention of 1818 relating to the fisheries, th

[1] Lawrence's Wheaton, ucto 77, page 243. [2] S. E. Doc. 27, 2d Sess. 32d Cong., 4
[3] Ib., 90. [4] Ib., 91–2. [5] Ib., 54. [6] S. E. Doc. 12, 2d Sess. 32d Cong. [7] S. E. Doc. 1, 1
Sess. 34th Cong., et seq.

obligation to restore vessels captured after the period named in the Treaty of Ghent for the cessation of acts of war, &c., &c. These decisions were printed in Senate Ex. Doc. No. 103, 1st. Sess. 34th Cong.

A reference to the circumstances connected with the conclusion of the reciprocity Treaty of 1854, and of its abrogation, will be found in the confidential document submitted to the Senate with the Treaty of 1871.[1]

The later Treaties respecting the slave-trade have already been referred to.

No correspondence was transmitted to Congress with the Naturalization Treaty of 1870, or with the supplemental Treaty of 1871.

The course pursued by Great Britain during the late Insurrection raised many questions between the two governments, some of which were grave and threatening.

The hasty recognition of a state of belligerence, and the simultaneous steps taken to secure the adhesion of the insurgents as a belligerent power to a part of the declarations of the Congress of Paris, gave great umbrage to the United States. The correspondence on this subject is collected in the seven volumes of papers respecting the claims against Great Britain, which were presented to the Tribunal of Arbitration at Geneva with the Case of the United States.

The injuries to the commerce of the United States by the cruisers which had been constructed, equipped, armed, manned, or augmented in force or supplies within British jurisdiction, were the cause of further complaints and of further reclamations. At the close of the war the United States made a formal demand for compensation for the national losses, and for the losses to individuals from these causes, and proposed an arbitration.[2]

Lord Russell replied respecting the national losses, "that if the liability of neutral nations were stretched thus far, this pretension, new to the law of nations, would be most burdensome, and indeed most dangerous. A maritime nation, whose people occupy themselves in constructing ships, and cannon, and arms, might be made responsible for the whole damages of a war in which that nation had taken no part."[3] Respecting the individual losses, he said that "Her Majesty's Government must * * decline either to make reparation and compensation for the captures made by the Alabama, or to refer the question to any foreign state."[4] Subsequently a convention was signed for a reference of these claims to arbitration,[5] but it failed to meet the approbation of the Senate. The only speech made in the Senate on the subject which has been printed, (Mr. Sumner's) may be found in the Globe, 1st Sess. 41st Cong., Appendix, page 21. The British Minister at Washington informed his Government of the rejection of this Treaty with the following comments: "The sum of Mr. Sumner's assertions is that England * * is responsible for the property destroyed by the Alabama, and other Confederate cruizers, and even for the remote damage to American shipping interests, including the increase of the rate of insurance; that the Confederates were so much assisted by being able to get arms and ammunition from England, and so much encouraged by the Queen's proclamation, that the war lasted much longer than it would otherwise have done, and that we ought, therefore, to pay imaginary additional expenses imposed upon the United States by the prolongation of the war."[6]

[1] S. Conf. E. Doc. A, Spec. Sess. 1871, 57–74. [2] S. E. Doc. 11, 1st Sess. 41st Cong. part 1, 290, and part 3, 522. [3] Ib., part 3, 561. [4] Ib., 562. [5] See 3 Pap. rel. Tr. W., 191–194, for a sketch of the negotiations. [6] S. E. Doc. 11, 1st Sess. 41st Cong., part 3,784.

Mr. Fish, when he became Secretary of State, hastened to say to Mr. Motley, the United States Minister at London, that "the President recognizes the right of every power, when a civil conflict has arisen within another state, and has attained a sufficient complexity, magnitude, and completeness, to define its own relations and those of its citizens and subjects toward the parties to the conflict," and that the President regarded the concession of the rights of belligerence to the insurgents "as a part of the case only so far as it shows the beginning and animus of that course of conduct which resulted so disastrously to the United States."[1]

Great Britain accepted this basis for the resumption of negotiations; and a Treaty was signed on the 8th of May, 1871, for the reference to a Tribunal of Arbitration, to be convened at Geneva, of all the said claims growing out of acts committed by the aforesaid vessels, and generically known as the "Alabama claims." This Tribunal was empowered to determine whether Great Britain had failed to fulfil any of its duties in respect of the subject of Arbitration as set forth in the Treaty; and in case it should so find, then it was further empowered to proceed to award a sum in gross to be paid to the United States for all the claims referred to it.

On the organization of the Tribunal at Geneva the United States preferred their claims, with a statement of the grounds on which indemnity was asked. The main points taken upon one side and the other are stated under the title "*Neutrals*," post.

The views respecting the animus of Great Britain during the insurrection, which Mr. Fish had announced his purpose of presenting for the consideration of any Tribunal which might be agreed upon to inquire into the subject, were elaborated and made the basis to support the whole claim for compensation. It was contended upon the other side, as will be seen by reference to the title "*Neutrals*," that the Tribunal should assume that Great Britain had exercised its powers, during the insurrection, with good faith and reasonable care, until the assumption should be "displaced by proof to the contrary" presented on behalf of the United States.

In the proceedings which followed, the United States demanded compensation for the following classes of losses and expenditures, so far as they grew out of the acts of the cruizers, viz: 1. "Direct losses growing out of the destruction of vessels and their cargoes." 2. "The national expenditures in the pursuit of those cruizers." 3. "The loss in the transfer of the American Commercial Marine to the British flag." 4. "The enhanced payments of insurance." 5. "The prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion."[2] It was denied by Great Britain that a submission of all the claims to arbitration, carried with it the right of the arbitrators to take into consideration all the elements of loss, and it was insisted that the Tribunal had no right, under the terms of the Treaty, to take classes three, four, and five into consideration in its estimate of damages.[3] The United States denied this proposition, and contended that the Tribunal was invested with power to decide the question of the extent of its jurisdiction.[4] The Tribunal, without deciding that question, held that "these claims do not constitute, upon the prin-

[1] S. E. Doc. 10, 2d Sess. 41st Cong., 4. [2] 1 Pap. rel. Tr. W., 185. [3] Ib., 425–588. [4] The opinion of Lord Loughbrough, already referred to, respecting the powers of the Commissioners under the 7th Article of Jay's Treaty, would seem to be conclusive on this point. See also Lawrence's note on Wheaton, No. 206, p. 680.

ciples of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should, upon such principles, be wholly excluded from the consideration of the Tribunal, in making its award, even if there were no disagreement between the two Governments as to the competency of the Tribunal to decide thereon."[1] And in regard to the second of the above items of loss, the Tribunal, in its award, decided thus: "Whereas, so far as relates to the particulars of the indemnity claimed by the United States, the costs of pursuit of the Confederate cruizers are not, in the jugdment of the Tribunal, properly distinguishable from the general expenses of the war, carried on by the United States: The Tribunal is therefore of opinion, by a majority of three to two voices that there is no ground for awarding to the United States any sum by way of indemnity under this head."[2] The Tribunal awarded to the United States the sum of fifteen and one-half millions of dollars in full satisfaction of the claims referred to it.

Under the same treaty a commission was organized at Washington to adjudicate upon private claims of citizens of each against the other power arising out of acts committed against the persons or property of their citizens during a period which was assumed to be the period of the existence of the insurrection. The language of the submission in the Treaty was selected by the negotiators with the object of excluding from the consideration of the Arbitrators a class of claims known as the Confederate cotton-debt, which the Secretary of State informed the British Minister that the United States would not consent to refer. Such claims were, however, presented before the Commission by the British Agent. The United States made political representations against this infraction of the Treaty, and, pending a discussion upon it, the Commissioners disposed of the question by deciding against the claims on their merits.

The disputes respecting the construction of the Convention of 1818 and the fisheries were set at rest in this Treaty for twelve years by granting the American market free of duty to the Canadian fishermen, with an arbitration to determine whether any further compensation ought to be made. The navigation of the St. Lawrence, concerning which there had been much correspondence,[3] was given to the United States for an equivalent in Alaska; arrangements were made for commercial intercourse with Canada; and the adjustment was made of the Northwestern boundary already referred to. The act to carry into effect this provision of the Treaty was passed on the 1st of March, 1873. This comprehensive settlement left no political questions at issue between the two governments.

[Conformable to the joint resolution approved March 3. 1883.[4] notice was given to the government of Great Britain on the 2d day of July 1883[5] of the desire of the United States to terminate the fishery articles numbered 18 to 25 inclusive, and article XXX of the treaty of May 8. 1871, upon the expiration of two years after the time of giving such notice. The resolution provided that the act approved March 1. 1873 to carry into effect the provisions of the treaty, so far as it related to the articles so to be terminated should be and stand repealed and be of no force on and after the time of the expiration of the said two years. The President in his proclamation[6] of January 31, 1885 stated that the articles in question would terminate July 1, 1885.

[1] 4 Pap. rel. Tr. W., 20. [2] Ib., 53. [3] 5 F. R. F., 543, 571; 6 F. R. F., 757; President's message, 1870. [[4] 22 St. at L. 641. [5] F. R. 1883. 440. [6] 23 St. at L. 837.]

On the 25th of June 1885 the Secretary of State by direction of the President gave public[1] notice that a temporary diplomatic agreement had been entered into with the government of Great Britain, in relation to the fishing privileges which were granted by the fishing clauses of the treaty of May 8, 1871 whereby the privilege of fishing, which would otherwise have terminated with the treaty clauses on the 1st of July would be continued to be enjoyed by the citizens and subjects of the two countries engaged in fishing operations throughout the season of 1885.

Pursuant to the award of the Emperor of Germany, dated October 21 1872, upon the boundary question, submitted to him by art 34 of the Treaty[2] of Washington, the British forces in joint occupation of the island of San Juan finally withdrew November 25, 1872.[3]

The boundary from the intersection of the 49th parallel of north latitude with the middle of the channel which separates the continent from Vancouver's Island southwardly through the said channel and the Fuca Straits, to the Pacific Ocean, was defined by the protocol of March 10 1873.[4]

Certain correspondence thereupon arose as to the rights of British subjects to lands within the limits of the subject of the award. Congress by an act approved June 20, 1874[5] provided for a commission to report upon the possessory rights of British subjects

Pursuant to an act[6] of Congress approved March 19, 1872 Archibald Campbell was appointed commissioner on the part of the United States on the Joint Commission for determining the boundary line between the United States and British Possessions, from the northwest angle of the Lake of the Woods to the Rocky Mountains.[7] The work of this commission is now completed.

With the award of the emperor of Germany, the fixing of the boundary by the protocol of March 10, 1873, and the completion of the work of this commission, the boundary between the United States and the British possessions is finally adjusted, except as to the boundary between that portion of territory ceded by Russia to the United States, under the treaty of 1867, and the possessions of Great Britain.

On June 18, 1874, the President submitted to the Senate a project,[8] proposed by the British government, for a convention on the subject of commercial reciprocity between the United States and Canada.

This convention, if approved, would have done away with the Fishery Commission provided for by article 22 of the Treaty of Washington. The Senate however declined to advise the negociation of a treaty.

The report of Robert S. Hale, the agent and counsel of the United States before the mixed commission of American and British claims, dated November 30, 1873,[9] contains a record of the proceedings of the commission, with a reference to the cases decided, and to certain of the opinions delivered. The sum of $1,929,819, in gold subject to the deduction provided for by article 16 of the treaty, was awarded September 25, 1873, "for and in full satisfaction of the several claims on the part of corporations, companies or private individuals, subjects of Her Britannic Majesty upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the period between the 13th day of April 1861, and the 9th day of April, 1865, inclusive."

The amount awarded was duly paid to the joint agents of Great

[1 F. R. 1885 460. 2 R. S., Pub. Tr., 366. 3 MS. Dept. of State. 4 R. S., Pub. Tr., 369. 5 18 St. at L., 129. 6 17 St. at L., 43. 7 F. R., 1872, 199. 8 MS., Dept. of State. 9 Pap. rel. to Tr. W. Vol. 6.]

Britain for the distribution of the award September 21, 1874, the same having been payable within one year from the day of the award.[1]

Congress by act[2] approved June 23, 1874, provided a court for the adjudication and disposition of the amount awarded by the tribunal of arbitration at Geneva. The court was organized July 22, 1874, and was continued by proclamation of the President for the term of six months from the 22d day of July 1875, pursuant to section 8 of the act organizing the court, and was further continued for the term of six months, pursuant to an act approved December 24, 1875, and again continued until January 1, 1877, pursuant to an act approved July 22, 1876.

The Court adjourned December 29, 1876 after having passed upon 2,068 cases, in which the amount claimed was about fourteen and one half millions of dollars, not including interest, and awarded the sum of $9,316,120.25[3]

After the awards had been paid there yet remained in the Treasury to the credit of the fund the sum of $9,703,904.89 and also the sum of $385,100.07 realized as premium from the sale of certain bonds in which the fund had been invested, making in the aggregate the sum of $10,089,004.96. Congress passed an act which was approved June 5, 1882,[4] providing for the reestablishing of the Court of Commissioners of Alabama Claims and for the distribution of the unappropriated moneys. The act divided the claims to be considered into two classes. To the first class belonged claims directly resulting from damage done on the high seas by Confederate cruisers during the late rebellion, including vessels and cargoes attacked on the high seas, although the loss or damage occurred within four miles of the shore. To the second class belonged claims for the payment of premiums for war risks, whether paid to corporations, agents, or individuals, after the sailing of any Confederate cruiser.

The Court was organized July 13, 1882. Its functions were to terminate at the end of two years but the act of June 3, 1884, extended the time of its duration until December 31, 1885 at which time the court adjourned.

The Court considered 5770 claims. Of these 1602 belonged to class one and 4168 to that of class two. In class one 1000 were decided in favor of the claimants and in class two 3643 were so decided.]

The fifth article of the treaty of peace of 1783 applies to those cases where an actual confiscation has taken place, and stipulates that in such cases the interest of all persons having a lien upon such lands shall be preserved. That clause of the treaty preserved the lien of a mortgagee of confiscated lands which at the time of the treaty remained unsold.[5]

The treaties with Great Britain of 1783 and 1794 only provide for titles existing at the time those treaties were made, and not for titles subsequently acquired. Actual possession of property is not necessary to give the party the benefit of the treaty.[6]

[The setting up by a defendant in ejectment of an outstanding title in a third person, under whom he does not claim, does not make "a case arising under a treaty," of which the Supreme Court has jurisdiction, under the 25th section of the Judiciary Act, 1 Statutes at Large, 85, although the validity of the said title depends upon the effect of the treaty.[7]

[1] F. R. 1874, 570, 571. [2] 18 St. at L., 245 [3] S. E. Doc. 21, 2d Sess 44th Cong. [4] 22 St. at L. 98.] [5] Higginson v. Mein, 4 Cranch, 415. [6] Blight's Lessee v. Rochester, 7 Wheaton, 535. [7] Owings v. Norwood's Lessee, 5 Cranch, 344.]

The "interest in lands by debts," intended to be protected by the 5th article of the treaty of 1783 with Great Britain, must be an interest held as security at the time of the treaty.[1]

Copies of the proceedings of a foreign court of admiralty may be authenticated by the seal of the court and the attestation of the deputy registrar, and the certificate of the judge under his hand and the seal of the court, attesting the seal, and the fact that the person signing is registrar; and the certificate and seal of the secretary and notary of the island, proving that the person signing as judge, holds that office. Such proof is in conformity with the law, and also with the 19th article of the treaty of 1794 with Great Britain.[2]]

Where J. D., an alien and British subject, came into the United States subsequent to the treaty of 1783, and, before the treaty of 1794 was signed, died seized of lands, it was held that the title of his heirs to the land was not protected by the treaty of 1794.[3]

Thomas Scott, a native of South Carolina, died in 1782, intestate, seized of land on James Island, having two daughters, Ann and Sarah, both born in South Carolina before the Declaration of Independence. Sarah married D. P., a citizen of South Carolina, and died in 1802, entitled to one-half the estate. The British took possession of James Island and Charleston in February and May, 1780; and in 1781 Ann Scott married Joseph Shanks, a British officer, and at the evacuation of Charleston in 1782 she went to England with her husband, where she remained until her death in 1801. She left five children, born in England. They claimed the other moiety of the real estate of Thomas Scott, in right of their mother, under the ninth article of the treaty of peace between this country and Great Britain of the 19th of November, 1794. *Held*, that they were entitled to recover and hold the same.[4]

All British-born subjects whose allegiance Great Britain has never renounced bought, upon general principles of interpretation, to be held within the intent, as they certainly are within the words, of the treaty of 1794.[5]

The treaty of 1783 acted upon the state of things as it existed at that period. It took the actual state of things as its basis. All those, whether natives or otherwise, who then adhered to the American States were virtually absolved from all allegiance to the British Crown; all those who then adhered to the British Crown were deemed and held subjects of that Crown. The treaty of peace was a treaty operating between States and the inhabitants thereof.[6]

The several States which compose this Union, so far, at least, as regarded their municipal regulations, became entitled from the time when they declared themselves independent to all the rights and powers of sovereign States, and did not derive them from concessions of the British King. The treaty of peace contains a recognition of the independence of these States, not a grant of it. The laws of the several State governments passed after the Declaration of Independence were the laws of sovereign States, and as such were obligatory upon the people of each State.[7]

The property of British corporations in this country is protected by the sixth article of the treaty of peace of 1783, in the same manner as those of natural persons, and their title, thus perfected, is confirmed by the ninth article of the treaty of 1794, so that it could not be for

[1] Owings *v.* Norwood's Lessee, 5 Cranch, 344. [2] Yeaton *v.* Fry, 5 Cranch, 335. [3] Blight's Lessee et al. v. Rochester, 7 Wheaton, 535. [4] Shanks et al. vs. Dupont et al., 3 Peters, 242. [5] Ib., 250. [6] Ib., 274. [7] M'Ilvaine v. Coxe's Lessee, 4 Cranch 209.

feited by any intermediate legislative act or other proceeding for the defect of alienage.[1]

[A debt due to a British subject not being barred by a statute of limitations at the commencement of the Revolutionary war (1775), the treaty of peace of 1783 did not allow the time previous to the war to be added to any time subsequent to the treaty in order to make a bar.[2]]

The treaty of peace of 1783 between the United States and Great Britain was a mere recognition of pre-existing rights as to territory, and no territory was thereby acquired by way of cession from Great Britain.[3]

All British grants are invalid which were made after the declaration of independence, and purported to give title to land within the territories of the United States as defined by the Treaty of 1783.[3]

The act of the legislature of Virginia of 1799, entitled "An act concerning escheats and forfeitures from British subjects," and under which a debtor to a subject of Great Britain had, in conformity to the provisions of that law, during the war paid into the loan-office of the State a portion of the debt due by him, did not operate to protect the debtor from a suit for such debt after the treaty of peace in 1783. The statute of Virginia, if it was valid and the legislature could pass such a law, was annulled by the fourth article of the treaty; and, under this article, suits for the recovery of debts so due might be maintained, the provisions of the Virginia law to the contrary notwithstanding.[4]

Debts due in the United States to British subjects before the war of the Revolution, though sequestered or paid into the State treasuries, revived by the treaty of peace of 1783, and the creditors are entitled to recover them from the original debtors.[5]

G. C., born in the colony of New York, went to England in 1738, where he resided until his decease; and being seized of lands in New York, he, on the 30th of November, 1776, in England, devised the same to the defendant and E. C. as tenants in common, and died so seized on the 10th of December, 1776. The defendant and E. C. having entered and become possessed, E. C., on the 3d December, 1791, bargained and sold to the defendant all his interest. The defendant and E. C. were both born in England long before the Revolution. On the 22d March, 1791, the legislature of New York passed an act to enable the defendant to purchase lands and to hold all other lands which he might then be entitled to within the State, by purchase or descent, in fee-simple, and to sell and dispose of the same, in the same manner as any natural-born citizen might do. The treaty between the United States and Great Britain of 1794 contains the following provision: "Article IX. It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein, and may grant, sell or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as respects the said lands and the legal remedies incident thereto, be considered as aliens." The defendant, at the time of the action brought, still continued to be a British subject. *Held*, that he was entitled to hold the lands so devised to him by G. C. and transferred to him by E. C.[6]

[1] The Society for Propagating the Gospel, &c., v. New Haven, 8 Wheaton, 464. [2] Hopkirk v. Bell, 3 Cranch, 454.] [3] Harcourt et al. v. Gaillard, 12 Wheaton, 523. [4] Ware v. Hylton, 3 Dallas, 199. [5] Georgia v. Brailsford, 3 Dallas, 1. [6] New York v. Clarke, 3 Wheaton, 1.

By the treaty of 1783 the United States succeeded to all the rights that existed in the King of France in that part of Canada which now forms the State of Michigan prior to its conquest by Great Britain in 1750, and among them that of dealing with seigniorial estates for a forfeiture for non-fulfillment of the conditions of the fief.[1]

Lands granted by the acts of March 3, 1807, in fulfillment of the second article of the treaty of 1794, were not donations.[2]

The reciprocity treaty of 1854 did not release a forfeiture previously incurred.[3]

There is nothing in the treaties with Great Britain which gives a British merchant resident in a port of the seceded States during the war an immunity from the general principles of public law applicable to resident neutral merchants.[4]

The term "prosecution" in the 6th Article of "Jay's Treaty" "imports a suit against another in a *criminal* cause."[5]

The authority of the Commissioners appointed under the 5th Article of that Treaty cannot be executed by a majority of them,[6] but they must all agree in their decisions, which must be signed and sealed by them all.

The United States are not required by the Treaty of Commerce of 1815 to protect in slaves.[7]

In the discussion attending the Treaty of 1842, Attorney-General Legaré was requested by the Secretary of State to take part in the discussion, and sent to Lord Ashburton an official memorandum concerning the case of the "Creole."[8]

There is nothing in the Clayton-Bulwer Treaty of April 19 1850 which forbids either party to intervene by alliances, influences, or even arms, in the affairs of Central America.[9]

[Under the treaty of 1794 with Great Britain, merchandise carried from any place in British America by the subjects of Great Britain into the northern districts of the United States is subject to the same duties which would be payable by our citizens on the same goods imported from the same place in American ships into the Atlantic ports of the United States.[10]

This was under the 3rd article. The reference in this article to *tonnage* dues is not connected with the provision as to *duties on goods and merchandise.*

So much of article 30 of the treaty with Great Britain of May 8, 1871, called the treaty of Washington, as relates to the transportation of merchandise in British vessels, without payment of duty, from one port or place within the territory of the United States to another port or place within the same territory, examined and construed.[11]

Under the provisions of that article a British vessel may, during a single voyage, ship merchandise at two or more ports of the United States in succession on the river Saint Lawrence, the Great Lakes, and the rivers connecting the same—the merchandise being destined for other ports of the United States, and to be carried part of the way through Canada by land, in bond—and after thus completing her cargo sail to the port or place in Canada where the land-carriage is to begin.[12]

Such vessel may also, after taking a cargo of merchandise aboard at a Canadian port, to which the same has been transported from a port of

[1] United States v. Repentigny, 5 Wallace, 211. [2] Forsyth v. Reynolds, 15 Howard, 358. [3] Pine Lumber, 4 Blatchford's Circuit Court Reports. [4] The Sarah Starr, Blatchford's Prize Cases, 69. [5] 1 Op. At.-Gen., 51, Bradford. [6] Ib., 66, Lee. [7] 2 Op. At.-Gen., 475, Taney. [8] 4 Op. At.-Gen., 98. [9] 8 Op. At.-Gen., 436, Cushing. [10] 1 Op. At.-Gen., 155, Breckenridge. [11] 14 Op. At.-Gen., 310, Williams. [12] *Ib.*]

the United States part of the way overland in bond and part of the way by water in the manner above indicated, sail thence to two or more ports of the United States on the above-mentioned waters, in succession, during a single voyage, and deliver at each port whatever part of the cargo is consigned thereto.[1]

Under article 30 of the treaty of Washington, of May 8, 1871, and article 19 of the regulations made under the first-mentioned article to carry its provisions into execution, it is lawful to transport goods by means of British or American vessels from the ports of Chicago and Milwaukee to points in Canada, thence through Canadian territory by rail, and from the termini of the lines of railway by either the British or American vessels to the ports of Oswego and Ogdensburg.[2]

The above-mentioned ports are "ports on the northern frontier of the United States" within the meaning of those regulations.

The term "fishery," in the legal parlance of the United States and Great Britain, primarily denotes one of that class of objects of property known as *things incorporeal;* and such is its significance as used in article 21 of the treaty of May 8, 1871, between those countries.

Accordingly the phrase in that article, "produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward Island," covers only the produce of incorporeal things so denominated belonging to those governments respectively.

Canada and Prince Edward Island derive no right under the treaty to import into the United States free of duty fish, etc., caught by their subjects no matter where, nor do the United States derive thereunder a corresponding right against Canada and Prince Edward Island."[3]

The provisions in article 21 of the treaty of Washington, of May 8, 1871, that "fish oil * * * being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward Island, shall be admitted into each country, respectively, free of duty," does not include cod-liver oil which has been purified and refined for medicinal purposes whether it is put up in barrels or other kind of package. This opinion distinguished between cod-liver oil as a *medicinal* preparation and cod-liver oil *of commerce* not further manufactured than other fish-oils.[4]]

GREECE.

The war of the Greeks for independence early attracted attention in this country. Mr. Dwight, of Massachusetts, on the 24th of December, 1822, presented to the House a memorial in their favor.[5] The sentiment of the House was against meddling with the subject, and the memorial was ordered to lie on the table.

Early in the next session (Dec. 8, 1823) Mr. Webster submitted to the House a resolution that provision ought to be made by law for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the President shall deem it expedient to make such appointment.[6] On the 19th of the same month the House requested the President to lay before it any information he might have received, and which he might deem it improper to communicate, respecting the condition and future prospects of the Greeks.[7]

[1] 14 Op. At.-Gen., 310, Williams. [2] 16 Op. At.-Gen., 42, Devens. [3] 15 Op. At.-Gen., 661, Devens. [4] 16 Op. At.-Gen., 601, Phillips, Solicitor-Gen'l.] [5] Annals 2d Sess. 17th Cong., 457. [6] Annals 1st Sess. 18th Cong., 805. [7] Ib., 843, 847.

On the 29th a memorial was presented from citizens of New York, requesting the recognition of the independence of Greece.[1] On the 31st the President transmitted the desired information to Congress.[2] On the 2d of January, 1824, Mr. Poinsett laid before the House a resolution of the General Assembly of South Carolina that that State would hail with pleasure the recognition by the American Government of the Independence of Greece.[3] On the 5th Webster presented a memorial from citizens of Boston.[4] The debate upon Webster's resolution began upon the 19th of January[5] and continued until the 26th. It took a wide range, developed great diversity of sentiment, and produced no result.

The sympathy for the Greeks continued to manifest itself. On the 2d of January, 1827, Edward Livingston moved to instruct the Committee on Ways and Means to report a bill appropriating $50,000 for provisions for their relief.[6] The bill was negatived on the 27th.[7] Private relief was given, and in his annual message to Congress in the following December the President transmitted to Congress correspondence respecting it with Capo d'Istrias and with the President and Secretary of the Greek National Assembly.[8]

The first and only Treaty with Greece was concluded in London in 1837 between the Ministers of the respective Powers at that Court. It was sent to Congress with the President's message of December 4, 1838.[9]

GUATEMALA.

[On the 12th of September, 1873, the minister of foreign affairs of Guatemala addressed a note[10] to the minister resident of the United States for the purpose of terminating the treaty of March 3, 1849, in which it was stated that from and after the day on which the Department of State at Washington shall receive the notification of the abrogation of the treaty its existence would terminate. The notification was received November 4. Thereupon, the Secretary of State, in an instruction to Mr. Williamson, dated November 5, 1873, stated that "the competency of that government to give the notice, pursuant to the 33rd article, cannot be questioned. You are right in supposing, however, that the notice must not take effect when received by the government to which it may be addressed, but in a year from that date. In this instance, therefore, the treaty will be regarded as at an end on the fourth of November, 1874."[10]]

HANOVER.

The Treaties of Commerce and Navigation with Hanover contained provisions respecting duties upon tobacco, which were the subject of both correspondence and legislation, and were esteemed important.[11] It was thought at the time of their negotiation that other similar Treaties with more important Powers would follow.[12] This proved to be a mistake.

How these Treaties became abrogated is explained in note "*Abrogated, Suspended, or Obsolete Treaties.*"

[1] Annals 1st Sess., 18th Cong., 889. [2] Ib., 914, 2917; 5 F. R. F., 252. [3] Annals 1st Sess., 18th Cong., 916. [4] Ib., 931. [5] Ib., 1084. [6] 3 Debates, 577. [7] Ib., 654. [8] 6 F. R. F., 636, 637. [9] S. E. Doc. 1, 3d Sess. 25th Cong. [10] MS. Dept. of State.] [11] H. E. Doc. 258, 2d Sess. 25th Cong.; H. E. Doc. 60, 1st Sess. 36th Cong. [12] H. E. Doc. 258, 2d Sess. 25th Cong., 22.

HAWAIIAN ISLANDS.

In the year 1826 Thomas Ap Catesby Jones, commanding the United States Sloop-of-War "Peacock," signed articles of agreement in the form of a Treaty with the King of the Hawaiian Islands.[1] The Hawaiians profess to have observed this as a Treaty,[2] but it was not regarded as such by the United States.

In December, 1842, the "duly commissioned" representatives of King Kamehameha III proposed to Mr. Webster, Secretary of State, to conclude a Treaty whenever the sovereignty of the King should be recognized. In support of their proposal they said, "Twenty-three years ago the nation had no written language, and no character in which to write it. * The nation had no fixed form or regulations of government except as they were dictated by those who were in authority, or might by any means acquire power. * * But under the fostering influence, patronage, and care of His Majesty, and that of his predecessors, the language has been reduced to visible and systematized form, and is now written by a large and respectable portion of the people. * A regular monarchical government has been organized of a limited and representative character. * A code of laws, both civil and criminal, has been enacted and published. * * Their position is such that they constitute the great centre of whale-fishery for most of the world. They are on the principal line of communication between the Western Continent of America and the Eastern Continent of Asia; and such are the prevailing winds on that ocean that all vessels requiring repairs or supplies, either of provisions or of water, naturally touch at those islands, whether the vessels sail from Columbia River or the north, or from the far distant ports of Mexico, Central America, or Peru upon the south."[3]

Mr. Webster replied, "The United States have regarded the existing authorities in the Sandwich Islands as a Government suited to the condition of the people, and resting on their own choice; and the President is of opinion that the interests of all the commercial nations require that that government should not be interfered with by foreign Powers.

The President does not see any present necessity for the negotiation of a formal Treaty."[4] It was not until 1849 that a Treaty was concluded.

Under this treaty it was held by Attorney-General Speed, (June 26, 1866,) that the Consular Courts at Honolulu have the power, without interference from local Courts, to determine, as between citizens of the United States, who comprise the crew of an American vessel, and are bound to fulfil the obligations imposed by the shipping-article.[5]

[A treaty was concluded between the United States and the King of the Hawaiian Islands on the 30th of January, 1875, on the subject of commercial reciprocity.

Several amendments were afterwards inserted in the Senate, among which was a proviso, attached to article 4, as to a lease or disposition of any harbor or port in the King's dominions, and a clause was also inserted in article 5, that the convention should not take effect until legislation to carry it into effect should be obtained from Congress.

The treaty thus amended was ratified, exchanged, and proclaimed, and in accordance with the act of August 15, 1876, the President, by his proclamation[6] of the 9th of the following September, declared the treaty to be in operation.]

[1] H. E. Doc. 35, 3d Sess. 27th Cong. [2] Ib. [3] Ib., 4–5. [4] Ib. 5. [5] 11 Op. At.-Gen., 508. [6] 19 St. at L. 666.]

HONDURAS.

Prior to the signature of the Clayton-Bulwer Treaty of 1850, Great Britain had taken possession of Tigre Island, in the Gulf of Fonseca. An animated discussion followed.[1]

In the 14th article of the Treaty concluded with Honduras in 1864, the United States undertook, in consideration of certain concessions by Honduras, to guarantee the neutrality of an interoceanic communication so long as they should enjoy the concessions. The Government of Honduras having manifested a purpose of holding these guarantees to be in force before the United States had come into the enjoyment of the concessions, Mr. Fish wrote Mr. Baxter, "It has not hitherto been supposed that the obligation of the United States to maintain that neutrality would become perfect, except upon the completion of that railway, as the charge was assumed as a consideration for advantages promised, the realization of which obviously cannot begin so long as the road shall be in an unfinished state.[2] The guarantee, however, by no means implied that the United States are to maintain a police or other force in Honduras for the purpose of keeping petty trespassers from the railway."[3] He also instructed Mr. Torbert, the Minister at San Salvador to the same effect.[4]

ITALY.

With two of the independent powers which were consolidated into the Kingdom of Italy, the United States had concluded Treaties prior to the consolidation, viz, with Sardinia and with the Two Sicilies. They had also held diplomatic relations with the Papal States, and had established Consulates in Tuscany and other parts of Italy.

The Treaty of commerce with Sardinia was communicated to Congress by President Van Buren in his Annual Message on the 24th December, 1839, in these words: "That with Sardinia is the first Treaty of commerce formed by that Kingdom, and it will, I trust, answer the expectations of the present Sovereign, by aiding the development of the resources of his country, and stimulating the enterprize of his people."[5]

The correspondence "touching the origin, progress, and conclusion" of that convention, and also "all consular and other official correspondence in regard to the execution of said treaty," was called for by the Senate and transmitted to that body."[6]

With the Two Sicilies an important political question was adjusted by a Treaty. "On the 1st day of July, 1809, the Minister for Foreign Affairs of the then Government of Naples, addressed to Frederick Degan, esq., then Consul of the United States, an official letter, containing an invitation to all American vessels, having on board the usual certificates of origin, and other regular papers, to come direct to Naples with their cargoes. * Upon the credit * of that promise (the merchants of the United States) sent to Naples many valuable vessels and cargoes; * but scarcely had they reached the destination to which they had been allured, when they were seized, without distinction, as prizes, or as otherwise forfeited to the Neapolitan Government. *

[1] H. E. Doc. 75, 1st Sess. 31st Cong.; see, also, Notes "*Central America.*" [2] F. R. 1871, 577. [3] Ib., 581. [4] Ib., 691-692. [5] Globe, 1st Sess. 26th Cong., Appendix 2. [6] H. E. Doc. 118, 1st Sess. 29th Cong.

These arbitrary seizures were followed * by summary decrees confiscating, in the name and for the use of the same Government, the whole of the property which had thus been brought within its grasp."[1]

In 1816 William Pinkney, the United States Minister to St. Petersburg, was sent on a special mission to Naples to make reclamations for these spoliations. He laid the matter before the Neapolitan Government, and that government denied its obligation to make reparation. The Marquis di Circello, Minister for Foreign Affairs, verbally told Pinkney that Monsieur Murat, (as he styled him), "appropriated to his own use whatever of value he could lay his hands upon, and in particular the vessels and merchandise belonging to our citizens,"[2] and he officially informed the American Envoy that the fund received from the confiscation of this property "was always considered as appertaining to the extraordinary and private domain of Murat himself. * It is enough to read the account rendered of the cashier of the separate fund to know that the sums paid into it were dissipated in largesses to the favorites of Murat, in marriage portions to some of his relatives, and in other licentious expenses of Murat and of his wife, especially during their visit to Paris. * Murat * was but the passive instrument of the will of Bonaparte in the confiscation of the American ships."[3]

The rejected claims were from time to time the subject of memorials to Congress.[4]

In his message at the opening of the first session of the 22d Congress, President Jackson said: "Our demands upon the Government of the Two Sicilies are of a peculiar nature. The injuries on which they are founded are not denied, nor are the atrocity and perfidy under which those injuries were perpetrated attempted to be extenuated. The sole ground on which indemnity has been refused is the alleged illegality of the tenure by which the monarch who made the seizures held his crown. This defence, always unfounded in any principle of the law of nations, now universally abandoned, even by those powers upon whom the responsibility for acts of past rulers bore the most heavily, will unquestionably be given up by his Sicilian Majesty, whose counsels will receive an impulse from that high sense of honor and regard to justice which are said to characterize him; and I feel the fullest confidence that the talents of the citizen commissioned for that purpose will place before him the just claims of our injured citizens in such a light as will enable me, before your adjournment, to announce that they have been adjusted and secured."[5]

It was not until two years later that the President was able to announce to Congress that the ratifications of a convention for the settlement of these claims had been duly exchanged.[6] The act to carry this into effect was passed on the 2d of March, 1833.[7]

Before the consolidation of Italy two Treaties of Amity and Commerce had been concluded between the United States and the Two Sicilies—one in 1845, and one in 1855.

George P. Marsh was the first Minister accredited to the New Kingdom. In June, 1864, Mr. Seward transmitted to him a full power to negotiate a new Treaty of Commerce to take the "place of the existing treaties between the United States and the Kingdoms of Sardinia and the Two Sicilies."[8] The Italian Government had already expressed its willingness to include in a Treaty a provision for "the total exemption

[1] 4 F. R. F., 162. [2] 4 Ib., 161. [3] Ib., 170–171. [4] 6 F. R. F., 614, 1005. [5] Debates 1st Sess. 22d Cong., Appendix 3. [6] Debates 1st Sess. 23d Cong., Appendix 3. [7] 4 St. at L., 666. [8] 4 D. C., 1864, 328.

of all private property not contraband of war from capture at sea by ships of war in all cases."[1]

By the 29th of June, 1865, the negotiations were so far advanced that a draught of the proposed Treaty had been left at the Foreign Office and Marsh was asking instructions respecting a Consular Convention. He was instructed to confine himself to a Commercial Treaty.[2]

The Consular Convention, for which he asked instructions, was concluded at Washington in February, 1868. It was followed, in March, 1868, by a convention, also concluded at Washington, for the surrender of criminals. [The consular convention was terminated September 17, 1878, by virtue of notice given by Italy and the convention of May 8, 1878, took its place.]

It was not until February, 1871, that the Treaty of Amity and Commerce was concluded in Florence. It contains the provision respecting captures at sea suggested by Ricasoli ten years before.

With the States of the Church the United States maintained diplomatic relations for many years; but, in 1868, Congress neglected to make appropriations for the support of a mission, and the Minister was withdrawn. In his annual message to Congress in 1871, President Grant said, "I have been officially informed of the annexation of the States of the Church to the Kingdom of Italy, and the removal of the capital of that Kingdom to Rome. In conformity with the established policy of the United States, I have recognized this change."[3]

JAPAN.

[See "*Consuls*," "*Exterritoriality*."]

Mr. Edmund Roberts, a Sea Captain of Portsmouth, N. H., was named by President Jackson his "agent for the purpose of examining in the Indian Ocean the means of extending the commerce of the United States by commercial arrangements with the Powers whose dominions border on those seas."[4] He was ordered, on the 27th of January, 1832, to "embark on board of the United States sloop-of-war the 'Peacock,'" in which he was to "be rated as Captain's Clerk."[5] On the 23d of the following July, he was told to "be very careful in obtaining information respecting Japan, the means of opening a communication with it, and the * value of its trade with the Dutch and Chinese,"[6] and that when he should arrive at Canton he would probably receive further instructions. He had with him blank letters of credence, and on the 28th of October, 1832, Edward Livingston, Secretary of State, instructed him that the United States had "it in contemplation to institute a separate mission to Japan," but that if he should find the prospect favorable he might fill up one of his letters, and present himself to the Emperor for the purpose of opening trade. Nothing was accomplished by this mission in that quarter.[7]

Again, in 1845, Alexander Everett was empowered to open negotiations with the Japanese Government,[8] and Commodore Biddle was instructed to "take the utmost care to ascertain if the ports of Japan were accessible."[9] The Commodore did go to the bay of Yedo, and

[1] D. C., 1861, 321. [2] D. C., 1865, 148–149. [3] F. R., 1871, 5. [4] MS. Dept. of State. [5] Ib. [6] Ib. [7] S. E. Doc. 59, 1st Sess. 32d Cong., 63. [8] Ib., 69. [9] Ib., 64.

remained there several days. The Japanese refused to open their ports; they said: "This has been the habit of our nation from time immemorial. In all cases of a similar kind that have occurred we have positively refused to trade. Foreigners have come to us from various quarters, but have always been received in the same way. In taking this course with regard to you, we only pursue our accustomed policy."[1]

In the spring of 1849 it came to the knowledge of Commodore Geisinger, commanding the United States East India Squadron, that some American sailors were imprisoned in Japan, and Commander Glynn was dispatched to Nagasaki to liberate them.[2] He succeeded in doing so,[3] and on his return he laid before the President reasons why he thought it to be "a favorable time for entering upon a negotiation with Japan."[4]

The Dutch Government at that time had the monopoly of the foreign trade of Japan.[5] The Dutch Minister at Washington, under instructions from his government, at this juncture, informed the Government of the United States that it was not to be supposed that there was "any modification whatever of the system of separation and exclusion which was adopted more than two centuries ago by the Japanese Government, and since the establishment of which the prohibition against allowing any foreign vessel to explore the Japanese coast has been constantly in force."[6]

Mr. Webster, Secretary of State, soon after the receipt of this note, instructed Commodore Aulick to proceed with a letter from President Fillmore to the Emperor of Japan to Yedo in his flag-ship, accompanied by as many vessels of his squadron as might conveniently be employed in the service, and to deliver it to such high officers of the Emperor as might be appointed for the purpose of receiving it. The principal object of his visit was to arrange for obtaining supplies of coal, but he also received "full power to negotiate and sign a Treaty of Amity and Commerce between the United States and the Empire of Japan."[7] This was in June, 1851. In November, 1852, Commodore Perry was sent out with an increased naval force. "A copy of the general instructions given to Commodore John H. Aulick" was handed him, which he was to consider as in "full force, and applicable to his command."[8] He succeeded in concluding a Treaty on the 31st of March, 1854. The interesting negotiations which preceded it are detailed in the document above referred to. An account of the expedition, from the journals of Commodore Perry and officers under his command, was compiled by the Rev. Francis L. Hawks, D. D., and printed in quarto form by order of the House.[9]

The rights of Americans in Japan were further extended by a Convention concluded at Simoda on the 17th of June, 1857; and in the following year a more extensive Treaty was concluded, in which it was provided that all the provisions of the Convention of 1857, and so much of the treaty of 1854 as was in conflict with the new Treaty, were revoked.

In 1859 it was determined to send a Japanese embassy to the United States;[10] and this was done in 1860. In 1864 a convention was concluded for the payment to the United States, Great Britain, France, and the Netherlands, of an aggregate sum of three millions of dollars, "this sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons."[11] The circum-

[1] S. Ex. Doc. 59, 1st Sess. 32d Cong., 68. [2] Ib., 6. [3] Ib., 9–57. [4] Ib., 74. [5] Ib., 68. [6] Ib., 9. [7] Ib., 80–81. [8] S. E. Doc. 34, 2d Sess. 33d Cong. [9] H. E. Doc. 97, 2d Sess. 33d Cong. [10] S. E. Doc. 25, 1st Sess. 36th Cong. [11] Ante, 611.

stances which led to the conclusion of this Treaty were thus stated by Mr. Fish in a report to the President:

"The Japanese indemnity fund comes from payments made by the Japanese government under the convention of October 22, 1864, of which a copy is herewith inclosed. It appears that Prince Choshu, the ruler over the provinces of Sueoo and Nagato, having possession of the Japanese fortifications which command the Strait of Simonoseki, and also having with him the person of the Mikado, refused to recognize the validity of the treaties concluded by the Tycoon with the foreign powers, and closed the passage to the inland sea. At the request of the Tycoon's government the forces of the United States, Great Britain, France, and the Netherlands in those waters, jointly proceeded to open the straits by force. On the 4th, 6th, 7th, and 8th days of September, 1864, they destroyed the batteries commanding the straits, blew up the magazines, threw the shot and shell into the sea, carried away seventy cannon, and obtained an unconditional surrender from Prince Choshu, with an agreement to pay the expenses of the expedition.

"The ratification of the treaties by the Mikado, and the firm establishment of the foreign policy of the Tycoon also, speedily followed. The government of the Tycoon, preferring to assume the expenses of the expedition, which the rebellious prince had agreed to pay, entered into the convention of October 22, 1864, stipulating to pay the four powers three millions of dollars, 'this sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnity, ransom for Simonoseki, or expenses entailed by the operation of the allied squadrons,' 'the whole sum to be payable quarterly,' in installments 'of half a million of dollars.' One million and a half of dollars have been paid under this convention, and one million and a half of dollars remain unpaid. The Japanese government have asked to have the payment of the unpaid balance deferred till May 15, 1872, on terms set forth in the inclosed correspondence, and this government has consented as to its portion, (one-fourth,) on condition that the other powers also consent. Of the amounts already paid, one-fourth came to the possession of the United States, which appears to have yielded to its credit with Baring Brothers, in London, the sum of eighty-eight thousand eight hundred and eighty-one pounds eighteen shillings and tenpence sterling, (£88,881 18*s.* 10*d.*) This, transferred to New York, produced in currency the sum of five hundred and eighty-six thousand one hundred and twenty-five dollars and eighty-seven cents, ($586,125 87,) which was invested in bonds of the United States."[1]

It so happened that there was no vessel in the naval service of the United States that was in a condition to take part in this expedition. The Ta-Kiang was therefore chartered for the service,[2] and was manned with a crew of eighteen persons from the Jamestown, which, with her own crew of forty, made a crew of fifty-eight in all.[3] The Ta-Kiang had three guns, and received one thirty-pound Parrott gun from the Jamestown.[4] The actual cost of the expedition to the United States was $9,500 for the charter,[5] and $1,848 for the coal consumed.[6]

[The mode of dividing this money between the four powers to whom it was payable, namely, France, Great Britain, the Netherlands, and the United States, was discussed at Paris in 1865. The French minister for foreign affairs, M. Drouyn de Lhuys, suggested the division should be made according to the proportion which the forces of each

[1] S. E. Doc. 58, 2d Sess. 41st Cong., 2; see, also, 3 D. C., 1864. [2] Ib., 579. [3] Ib., 584. [4] Ib., 553, 584. [5] Ib., 579. [6] Ib., 581; see, also, H. M. Doc. 151. 2d Sess. 42d Cong., as to this fund.

power in Japan bore to the aggregate forces of the four, while the United States minister to France, Mr. Bigelow, contended that each power should be considered to have contributed equally by its moral support to the success of the common cause, irrespective of the material force which each brought into the field, namely, France, 1,225 men; Great Britain, 5,156 men; Netherlands, 951 men; United States, 258 men—and, therefore, that each power should receive an equal share of the indemnity. Her majesty's government willingly concurred in Mr. Bigelow's proposal in order to mark their estimation of the value of united action between all the powers then represented in Japan, and the division of the indemnity in equal shares was accordingly agreed to by the four governments.

In June 1863, the Pembroke, a small American steamer, loaded with merchandise, from Yokohama for Nagasaki, and carrying the flag of the United States, attempted to pass through the Strait of Shimonoseki. She was fired upon by the shore batteries, and by an armed brig belonging to the Prince of Nagato. She was not struck; no one was hurt; and she retraced her way and abandoned the voyage to Nagasaki. Demand was made by the American minister for redress for this insult to the American flag, and, by his direction, Commander McDougal, in the United States steamer Wyoming, proceeded in July to retaliate upon the daimio. He found at Shimonoseki three vessels belonging to the prince, lying at anchor near the shore. He attacked them, and, after a sharp conflict with them and the shore batteries, sank a brig and blew up a steamer, by which some forty persons were said to have been killed. The loss of the Wyoming was five killed and six wounded. A French steamer and a Dutch corvette had also been fired upon at these straits by this rebellious daimio. No English ship was attacked. A claim was at once made by Mr. Pruyn, our minister, for loss of time, freight, etc., sustained by the Pembroke, amounting to $10,000, which was fully and promptly paid by the Japanese government.

It was therefore agreed that compensation for the injuries sustained by French subjects and the damage done to United States and Netherlands ships at the Straits of Simonoseki prior to the joint operations of the four powers against Choshien should be assessed at $140,000 in the case of each of the said three powers, and that the total amount of these special compensations, or $420,000, should form a first charge on the Simonoseki indemnity and be paid ratably out of each installment. That is to say, that the indemnity being payable in six installments of $500,000 each, one-sixth of the sum due for these special compensations, or $70,000, was to be deducted from each installment as it was received from the Japanese government, and was to be divided between France, the Netherlands, and the United States, while the balance of each installment after the above deduction had been made, or $430,000, was to be divided equally between the said three powers and Great Britain.

Consequently on each of these three occasions when an installment of the said indemnity was paid by the Japanese government to the representative of the four powers in equal proportions of $125,000 each, the British representative, acting in conformity with the above arrangement of the four governments, accepted only $107,500 of the sum thus tendered to him—this being a one-fourth share of $430,000—and handed the amount paid to him in excess, namely, $17,500, to the representatives of France, the Netherlands, and the United States, in order that it might be applied to the payment of their special compensations.

The Japanese government having paid a portion of the Shimonoseki indemnity under the convention of October 22, 1864, as before men-

tioned the subject of relieving that government from the residue was on several occasions presented to Congress. No conclusion was reached, however, and, as certain amounts were payable to the United States under the treaty, upon the 20th of April 1874, Mr. Bingham was instructed[1] that "had the other powers interested refrained from collecting their portions, this Government would not have been disposed to press for its portion, notwithstanding the refusal of Congress to act on the subject. But as the other governments interested have been paid, you will make known to the Japanese government our expectation of being treated in the same manner." After this time Mr. Bingham received at different times the entire residue due the United States, the final amount having been paid in the month of July, 1874.[2]

The several instalments received from Japan amounted to $785,000 which netted in bills on London the sum of £170.428. 16*s*. 4*d*. Upon the receipt of the different instalments the money was invested in United States bond and the interest on the bonds as it became due was likewise invested.

On the 22d day of February 1883 an act[3] was approved authorizing the President to pay out of the Treasury to the government of Japan the sum of $785,000.87 and directed that the bonds in which the funds had been invested should be cancelled and destroyed. The act also directed the Secretary of the Treasury to pay the sum of $140,000 to the officers and crew of the United States ship *Wyoming* for extraordinary, valuable, and specially meritorious and perilous services in the destruction of hostile vessels in the strait of Shimonoseki on the 16th of July 1863, and to the officers and crew of the steamer *Takiang* who were detached from the United States ship Jamestown, for similar services on the 4th, 5th, 6th, 7th and 8th of September 1864. At the time of the passage of the act the fund with the accumulated interest and the gain by the increase of the value of bonds and by exchange amounted to the sum of $1,837,823.78, which sum was turned over to the Secretary of the Treasury by the Secretary of State March 16, 1883.

In transmitting the money to Japan Secretary Frelinghuysen in his instruction to Minister Bingham under date of March 21, 1883 stated: "In discharging the duty imposed upon you by this instruction, you will take occasion to express to the minister for foreign affairs of Japan the satisfaction which the President feels in being enabled by the action of Congress to carry out the desire long entertained by this Government to return this money to Japan, and that he does not doubt but that it will be accepted by that Government as an additional evidence, if such were needed, of the friendly interest felt by the Government of the United States in everything that concerns the welfare and progress of the people and Government of that country."[4]

The Minister for Foreign Affairs replied: "It is a source of satisfaction to me to be able to assure your excellency in reply, that His Imperial Majesty's Government regards the spontaneous return of the money, which was paid by the Government of Japan to that of the United States, under the convention of October 22, 1864, not only as an additional proof of the friendly disposition of your excellency's Government, but as a strong manifestation of that spirit of justice and equity which has always animated the United States in their relations with Japan, and it will, I am convinced, tend to perpetuate and strengthen the mutual confidence and the feeling of cordial good-will and friendship which at present happily subsist between the people of our respective countries."[5]]

[[1] F. R., 1874, 675. [2] Ib. 694. [3] 22 St. at L. 421 [4] F. R., 1883, 603. [5] Ib. 606.]

In 1867 it became necessary to make "arrangements for the establishment of a Japanese municipal office for the foreign settlement of Yokohama." By this arrangement, which "was adopted and agreed to by the foreign representatives and the Japanese Government," "the principle of exterritoriality was carefully preserved," as to the Treaty Powers.[1]

In a recent discussion between the Japanese Minister for Foreign Affairs and the Peruvian Envoy, the former thus speaks of this agreement, and its relations to citizens of non-Treaty Powers: "It was a temporary arrangement, thought essential, say the foreign ministers who recommended it, '*under present circumstances*, to secure the maintenance of order and health within the foreign settlement.' It did not fix any time within which it should remain in force. It is therefore either binding forever, or it might be abrogated at the pleasure of this government. * * Peru was then and is now a non-treaty Power. Your Excellency would be astonished and indignant if you were told by the officer whom His Majesty the Tenno may authorize to negotiate with you a Treaty of amity and commerce, that while perfectly free on all other points, we cannot relieve the citizens of Peru from being subject to coercive jurisdiction exercised by the majority of a Board of Foreign Consuls. You would ask, I think, by what right the Ministers of Great Britain, France, the United States, Germany, and Holland undertook to stipulate in what manner the citizens of Peru should be tried. * If the pretensions of some of the consuls were admissible, that they had a right not only to give advice, but that their advice, or that of a majority of them, should be controlling, so that the governor of Kanagawa would be only a mouth-piece to utter their decision, then the extraordinary result would follow that this government might be made responsible to a foreign nation for an erroneous decision, which it had no power to prevent or reverse."[2]

[The representatives of the United States, Great Britain, France, Holland, and Japan signed a convention on June 25, 1866, for the modification of the tariff of import and export duties contained in the trade regulations annexed to the treaties concluded by those powers in 1858. The tariff fixed by this convention provides for specific in place of *ad valorem* duties, and is a substitute for the tariffs previously agreed upon between Japan, France, Great Britain, Holland and the United States. This convention went into operation July 1, 1866, the plenipotentiaries being of opinion that ratification by their respective governments was not necessary before the convention should take effect. Ratification was advised by the Senate June 17, 1868.

In 1872 an embassy arrived from Japan, and afterward visited Europe, having in view, among other things, the revision of existing treaties. The mission was unsuccessful; but on July 25, 1878 a commercial convention was concluded with Japan by which it was stipulated that as between the United States and Japan the convention of June 25, 1866 should be annulled and become inoperative, together with the schedules of tariff on imports and exports and the bonded warehouse regulations attached to that convention; and also that all such provisions of the treaty of 1858 as appertained to the regulations of harbors, customs and taxes, as well as the whole of the trade-regulations, were to cease to operate. In this convention the United States recognized the exclusive power and right of the Japanese government to adjust the customs tariff and taxes and to establish regulations appertaining to commerce. It was provided however that the convention should take effect

[1] 2 D. C., 1867, 73. [2] 1 F. R., 1873, 613.

when Japan had concluded, with all the other treaty powers holding relations with Japan, conventions or revisions of existing treaties that should be similar in effect. Japan not having concluded such conventions with all the other treaty powers this convention at present is not in operation.

A convention providing for the reimbursement of expenses incurred for the rescue, clothing, and maintenance of shipwrecked persons was concluded on the 17th of May 1880 and an extradition treaty was signed on the 29th of April 1886.]

LAND GRANTS.

[See "*France*," "*Great Britain*," "*Mexico*," "*Spain*."]

LEW CHEW.

While Commodore Perry was at Lew Chew in 1854, one of the sailors in his squadron, in a state of intoxication, entered the house of a native and violated a woman. The people were enraged at this crime, and stoned the criminal to death. Commodore Perry caused an inquiry to be made into the circumstances, and concluded with the authorities an agreement for the treatment of Americans and their punishment for future offenses.[1]

MADAGASCAR.

The conclusion of a Treaty with Madagascar in 1867, conferring exterritorial jurisdiction upon the Consul of the United States, made it necessary to extend to Madagascar the provisions of the Act of 1860 entitled "An act to carry into effect provisions of the Treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial powers to Ministers and Consuls and other functionaries of the United States in those countries, and for other purposes."[2]

METRIC STANDARD.

[The United States, in common with a large number of foreign nations, entered into a convention to establish and maintain at their joint expense, a scientific and permanent international bureau of weights and measures at Paris. This convention is dated May 20, 1875 and was proclaimed by the President September 27, 1878.]

[1] S. E. Doc. 34, 2d Sess. 33d Cong., 174. [2] 16 St. at L., 183.

MEXICO.

In a communication to the Secretary of State, printed in the Folio Edition of the Foreign Relations,[1] it is stated that "before the insurrection of the year 1810 the Kingdom (of New Spain) contained six millions of inhabitants, and * may be said to have been at its acme of prosperity; the royal revenue exceeding $20,000,000."

The course of the revolution from 1810 to 1821 is reviewed in that communication. It is stated that before 1816 "the impossibility of re-establishing peace and quietness in the Kingdom by the force of arms was fully ascertained,"[2] and the military events between 1816 and 1821 are rapidly reviewed.

In 1821 Spain made an effort to save her rebellious American colonies. Deputies from Mexico were received by the Cortes at Madrid, and "availed themselves of this occasion to show to the Cortes and Executive the impracticability of the provinces of America being governed as those of the Peninsula. * They then moved that the Government should be requested to direct without delay the Viceroy of Mexico to inform Iturbide that the Cortes were occupied in projecting a plan of Government for America, and to propose a suspension of hostilities until the resolution should be finally made by the Cortes and Executive."[3]

The opposition of the King defeated this move, and the American Deputies then proposed that there should be three divisions made of America; in each a Cortes; * * in each division a delegate appointed by the King, * who shall exercise in the name of the King the executive power, * the commerce between the Peninsula and America to be considered as from one province to another, and the inhabitants of the latter to have equal eligibility with those of the former to all public employments."[4]

While these propositions were under consideration, Iturbide had gained a position in Mexico which enabled him to make proposals that New Spain should be independent of Old Spain; and that it should be a monarchy, of which a member of the royal family of Spain should be the Emperor, with sundry other provisions conceived for the purpose of securing these results.

The Cortes showed a reluctance to take the matter into serious consideration,[5] upon which the American Deputies submitted a plan to the Cortes.[6] No compromise of ideas so radically different was found practicable.

Iturbide continued military operations until, on the 24th of August, 1821, he concluded a treaty in Cordova with Señor O'Donojú, Lieut.-General of the Armies of Spain, by which the Independence of New Spain was declared to be recognized.[7] As a result of this, supreme authority, with the title of Highness, was vested in Iturbide,[8] and Mexico was declared to be an Empire.

In the following March President Monroe sent his message to Congress respecting the recognition of the Spanish-American States, whereupon the Spanish Minister at Washington protested against it.[9]

While the Spanish government was still trying in vain to find a plan for reconciling and retaining the colonies,[10] the Committee of the House of Representatives of the United States recommended the passage of a resolution "that the American provinces of Spain, which have declared their independence, and are in the enjoyment of it, ought to be recog

[1] 4 F. R. F., 836. [2] Ib., 837. [3] Ib., 828. [4] Ib., 828. [5] Ib., 830, B. [6] Ib., 831, C. [7] Ib., 41. [8] Ib., 843. [9] Ib., 845-6. [10] Ib., 847.

nized by the United States as independent nations."[1] The action of Congress is stated under the title "Colombia."

In 1825 Mr. Poinsett was despatched as Minister to Mexico. He was instructed to "bring to the notice of the Mexican government the message of the late President of the United States to their Congress, on the 2d of December, 1823, asserting certain important principles of intercontinental law in the relations of Europe and America. The first principle asserted in that message is, that the American Continents are not henceforth to be considered as subjects for future colonization by any European powers. * * The other principle asserted in the message is, that whilst we do not desire to interfere in Europe with the political system of the allied powers, we should regard as dangerous to our peace and safety any attempt on their part to extend their system to any portion of this hemisphere."[2] These instructions were afterwards made the subject of some discussion in the House,[3] in the course of which Mr. Webster said: "The proceedings of the Allied Powers at Troppau, Laybach, and Verona were very well remembered, and in the course of the very year then expiring the King of Spain had been established on his throne by the army of France. * Under these circumstances the question was, how is it likely the Allied Powers will act toward the former Spanish colonies in America? Having succeeded in establishing such a government as suited them in Spain itself, would they not, or might they not, be willing to go further, and to assist the Spanish Monarch in reconquering his rebellious provinces? It was possible they might do this—perhaps it was not very improbable. At this juncture the President's declaration was made. * The amount of it was that this government could not look with indifference on any combination among other Powers to assist Spain in her war against the South American States; that we could not but consider any such combination as dangerous or unfriendly to us; and that if it should be formed it would be for the competent authorities of this government to decide, when the case arose, what course our duty and our interest should require us to pursue."[4]

Poinsett was further instructed to secure, if possible, a Treaty of limits, and a Treaty of Amity and Commerce, on the basis of the recently concluded Convention with Colombia.[5] The Treaty which he signed, and the account of the negotiations which preceded it, will be found in the 6th vol. of the Folio Edition of the Foreign Relations, pages 578–613. This Treaty did not receive the assent of the Senate, except upon conditions which caused it to fail.[6] The Treaty of limits of 1828 was then concluded,[7] and in 1831 a Treaty of Amity and Commerce was signed, which is still in force.

The war between Texas and Mexico affected the relations between Mexico and the United States, and was the cause of frequent communications from the Executive to Congress, and of frequent discussions and reports in that body.[8] At one time, in the early stage of the discussion, the Mexican Minister withdrew himself from Washington, but relations were soon restored.

Claims began to arise and to be pressed against Mexico as early as

[1] 4 F. R. F., 850. [2] 5 F. R. F., 909; 6 Ib., 578. [3] 2 Debates, 1826, 1798–1820. [4] Ib., 1807–8. [5] 6 F. R. F., 579. [6] 3 Ex. Jour., 570. [7] 6 F. R. F., 946. [8] S. E. Doc. 415, 1st Sess. 24th Cong.; S. E. Docs. 20, 84, 160, and 189, 2d Sess. 24th Cong.; H. E. Doc. 256, 1st Sess. 24th Cong.; H. E. Docs. 35, and 105, 2d Sess. 24th Cong.; H. R. 281, 2d Sess. 24th Cong.; H. E. Docs. 40 and 42, 1st Sess. 25th Cong.; H. E. Docs. 351 and 409, 2d Sess. 25th Cong.; H. R. 1056, 2d Sess. 25th Cong.; H. E. Doc. 252, 3d Sess. 25th Cong.; H. E. Doc. 51, 2d Sess. 27th Cong.; S. E. Doc. 325, 2d Sess. 27th Cong.; S. E. Docs. 349, and 390, 1st Sess. 28th Cong.; H. E. Doc. 271, 1st Sess. 28th Cong.; H. E. Doc. 19, 2d Sess. 28th Cong.

1836.[1] In 1837 they were made the subject of Presidential messages.[2] A convention was concluded for the adjustment of these claims in 1838, which was not ratified by the Mexican Government; and another convention was concluded and ratified by both parties, for the same purpose, in April, 1839. The acts of Congress to carry this into effect were approved on the 12th of June, 1840,[3] and on the 1st of September, 1841.[4]

When the Commissioners on each side met together, William L. Marcy was one of the United States Commissioners, a radical difference of opinion on important subjects was found to exist. (1) The American Commissioners regarded the joint body as a judicial tribunal. The Mexican Commissioners regarded it as a diplomatic body.[5] (2) The Americans asserted that the claimants had a right to appear personally or by counsel before the Commissioners. The Mexicans denied this, and insisted that the proof must come through the government.[6] Much time was lost in these and kindred discussions; so that, when the last day for action had passed, several claims had not been acted on.[7] This was the cause of much subsequent correspondence.[8] Mexico did not keep its engagements under this Treaty, and in 1843 a new convention respecting the payments was made in which it was agreed that another claims convention should be entered into; but this had not been done when war broke out between the parties, in 1846.[9]

A Treaty was concluded with Texas for its annexation to the United States, but it failed to receive the assent of the Senate. Congress then, by joint resolution, declared that it "doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas,"[10] and on the 29th of December, 1845, it was jointly resolved "that the State of Texas shall be one * of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever."[11]

On the 13th of the following May Congress declared in the preamble of the act providing for the prosecution of the war with Mexico, that "by the act of the Republic of Mexico a state of war exists between that Government and the United States,"[12] and on the same day President Polk made proclamation of that fact.[13]

While hostilities were going on, Nicholas P. Trist, Chief Clerk of the Department of State, was dispatched to Mexico, and opened negotiations for peace.[14] He was instructed to demand the cession of New Mexico and California in satisfaction of claims against Mexico, on the ground that "a state of war abrogates treaties previously existing between the belligerents, and a treaty of peace puts an end to all claims for indemnity."[15] The proposals were rejected by Mexico, and the Commissioner was recalled on the 6th of October, 1847.[16] He remained, however, in Mexico, notwithstanding the instructions to return, and he succeeded in concluding the Treaty of Guadalupe Hidalgo on the 2d of

[1] S. Doc. 424, 1st Sess. 24th Cong. [2] S. E. Doc. 160, 2d Sess. 24th Cong.; H. E. Doc. 139. Ib..; see also Reports of the Secretary of State accompanying President's Message 2d Sess. 25th Cong.; and S. E. Doc. 14, 2d Sess. 25th Cong. [3] 5 St. at L., 383. [4] Ib., 452. [5] H. E. Doc. 291, 2d Sess. 27th Cong., 5. [6] Ib., 14–15. [7] Ib., 40–49; H. R. 1096, 2d Sess. 27th Cong. [8] S. E. Docs. 320 and 411, 2d Sess. 27th Cong. [9] H. E. Docs. 144 and 158, 2d Sess. 28th Cong.; S. E. Doc. 81, 2d Sess. 28th Cong.; S. E. Doc. 151, 1st Sess. 29th Cong.; H. E. Doc. 133, 1st Sess. 29th Cong. [10] 5 St. at L., 797. [11] 9 St. at L., 108. [12] 9 St. at L., 9. [13] Ib., 999. For Congressional papers during the war, or descriptive of it, see S. Doc. 337, 1st Sess. 29th Cong.; H. E. Doc. 196, 1st Sess. 29th Cong.; S. E. Doc. 1, 2d Sess. 29th Cong.; S. E. Doc. 107, 2d Sess. 29th Cong.; S. E. Docs. 20 and 52, 1st Sess. 30th Cong.; H. E. Docs. 40, 56, and 60, 1st Sess. 30th Cong., S. E. Doc. 32, 1st Sess. 31st Cong. [14] S. E. Doc. 20, 1st Sess. 30th Cong. [15] President's Message, S. E. Doc. 1, 1st Sess. 30th Cong., 7. [16] Ib., 11.

February, 1848. This was communicated to the Senate on the 23d of February.[1] Sundry amendments were made by the Senate and accepted by Mexico, and the ratifications were exchanged on the 30th of May, 1848. The Supreme Court has held that this Treaty does not protect the rights of property of Mexican citizens in the former Republic of Texas.[2] On the 6th of July, 1848, the President communicated the Treaty to Congress, with a message asking legislation to carry it into effect.[3] On the 29th of the same month the act for the payment of the liquidated claims against Mexico passed Congress.[4] The civil and diplomatic appropriation bill, approved on the 12th of August, contained a provision for the survey of the new boundary-line,[5] and in the following session provision was made for payment in part of the sums due to Mexico under the 12th article.[6] On the 3d of March, 1849, a commission was created to examine the claims upon Mexico, which were to be assumed by the United States;[7] and on the 3d of March, 1851, a loan was authorized for their payment.[8] One hundred and eighty-two claims were allowed, and seventy were rejected.[9]

In the exchange of the ratifications of the Treaty of Guadalupe Hidalgo, certain explanations were embodied in a protocol signed by the Plenipotentiaries. These became the subject of a discussion in Congress early in 1849 which induced the Mexican Minister at Washington, (who appears to have been the same person who, as plenipotentiary, exchanged the ratifications of the Treaty on the part of Mexico,) to ask of Mr. Buchanan, the Secretary of State, an assurance, in the form of a message from the President, that the United States adhered to the protocol. Buchanan replied that "the President would violate the most sacred rights of the legislative branch of the Government if he were to criticise or condemn any portion of their proceedings, even to his own countrymen; much less, therefore, can he be called upon by the representative of a foreign government for any explanation, condemnation, defence, or approval of their proceedings. * * The President will be ever ready, in the kindest spirit, to attend to all representations of the Mexican government, communicated in a form which does not interfere with his own rights or those of Congress."[10]

The annexation of California by the Treaty of Gaadalupe Hidalgo made it desirable that the United States should have some interest in the isthmus routes between the two Oceans. Instructions looking to such a result were issued by Mr. Clayton in April, 1849, which were followed by long negotiations.[11] The Commission for running the boundary-line under the Treaty of 1848 met with difficulties and delays,[12] and in 1853 both questions were determined by a new Treaty, which annexed Arizona, and gave to the United States rights for itself and its citizens in any road that might be constructed across the Isthmus of Tehuantepec.[13] A Commission was organized for surveying the new line.[14]

The United States continued their exertion to acquire greater rights in the Isthmus of Tehuantepec. In 1857 Forsyth, Minister at Mexico, was instructed to endeavor to conclude such a Treaty,[15] and two years later Mr. Cass wrote to Robert McLane, Forsyth's successor, "It is

[1] S. E. Doc. 52, 1st Sess. 30th Cong. [2] McKenney v. Sairego, 18 Howard, 235. [3] S. E. Doc. 60, 1st Sess. 30th Cong. [4] 9 St. at L., 265. [5] Ib., 301. [6] Ib., 348. [7] Ib., 393. [8] Ib., 617. [9] S. E. Doc. 34, 1st Sess. 32d Cong. [10] H. E. Doc. 5, 1st Sess., 31st Cong., 69-73. [11] S. E. Doc. 97, 1st Sess. 32d Cong. [12] S. E. Doc. 34, 1st Sess. 31st Cong.; H. E. Doc. 112, 1st Sess. 32d Cong.; S. E. Docs. 119, 120, 121, 131, 1st Sess. 32d Cong.; S. R. 345, 1st Sess. 32d Cong.; S. E. Doc. 55, 2d Sess. 33d Cong. [13] H. E. Doc. 109, 1st Sess. 33d Cong. [14] S. E. Doc. 57, 1st Sess. 34th Cong. [15] Confidential S. E. Doc. 221, 1st Sess. 36th Cong., 3.

hoped you may be able to conclude a convention embracing the cession of Lower California, and the transit rights and privileges above referred to. The President would deeply regret to learn that this was impracticable. * There is reason to believe that Lower California may be secured; and this result, I repeat, is regarded by your government as of great importance. You will not readily come to the conclusion that it cannot be obtained. But if, after your best efforts have been exhausted, you find that the cession is impossible, * you may accept the transit and other rights proposed by Mr. Ocampo, * and you may stipulate to pay for them four millions of dollars, two millions to be reserved for the payment of such claims as may be found due from Mexico to our citizens."[1] These negotiations were fruitless.

The attitude of the United States towards the Republic of Mexico, during the French invasion and conquest of a portion of Mexican territory, is detailed in the voluminous correspondence transmitted to Congress during that period.[2]

In 1861 an Extradition Treaty was concluded with Mexico, and in 1868 a naturalization convention, and a convention for the establishment of a claims Commission.

The commission under the claims convention was duly organized in Washington, July 31, 1869. Its powers were extended by a convention, concluded April 19, 1871, and a further extension was authorized by a convention concluded November 27, 1872.

[Its powers were further extended by a convention concluded November 20, 1874, for the period of one year, which expired January 31, 1876. By article 2 it was provided that a further extension of six months should be allowed the umpire if necessary. The umpire found it necessary to take advantage of this extension. Upon April 29, 1876, another convention was concluded, allowing to the umpire a further period, that is, until November 20, 1876, to conclude the cases before him.

There were presented for the consideration of the commission 1,017 claims[3] on the part of citizens of the United States against Mexico, aggregating, inclusive of damages and interest where they were claimed, $470,126,613.40. Of these claims, 831 were dismissed or disallowed, and in 186 cases awards were made in favor of the respective claimants against the Mexican Republic, aggregating $4,125,622.20. There were 998 claims on the part of citizens of Mexico against the United States referred to the commission, such claims aggregating, inclusive of damages and interest where claimed, the sum of $86,661,891.15. Of these claims 831 were dismissed or disallowed, and awards were made in 167 cases against the United States, aggregating $150,498.41. The balance in favor of citizens of the United States, is therefore, $3,975,125.79.

The Mexican government having proposed the reconstruction and relocation of the monuments marking the boundary line established by the treaties of February 2, 1848 and December 3, 1853, a convention having that object in view was concluded July 29, 1882.

The preliminary reconnaissance stipulated by the 1st article was completed by an officer of the Engineer Corps who had been designated by the Secretary of War, and his report was communicated to Congress.[4]

The 2d article provided that the final commission of resurvey should meet on the frontier within six months from the date of the exchange

[1] Confidential S. E. Doc., 221, 1st Sess 36th Cong. 15. [2] H. E. Doc. 100, 2d Sess. 37th Cong.; H. E. Docs. 20, 31, 38, 73, 93,137, 1st Sess. 39th Cong.; S. E. Docs. 5, 6, 17, 54, 56, 1st Sess. 39th Cong.; D. C. 1861 to 1866. [3] S. E. Doc. 31, 2d Sess., 44th Cong. [4] S. M. Doc. 96, 1st Sess. 48th Cong.]

of the ratifications of the convention, which took place March 3, 1883. Congress failing to make the necessary appropriation, it was not possible for the United States to fulfill its part of the engagement in the time stipulated. The President urged Congress to make the necessary provision,[1] and the sum of one hundred thousand dollars was appropriated.[2]

An additional article to the convention of July 29, 1882 was concluded December 5, 1885, which extends the time in which to appoint the final commission eighteen months.

On the 20th of January 1883 a commercial reciprocity convention was concluded. The 8th article as amended provided that the convention should not take effect until the laws and regulations that each party should deem necessary to carry it into operation should have been passed by both countries, and twelve months from May 20, 1884 was allowed for that purpose. There being a failure on the part of both governments to pass the necessary legislation, an additional article to the convention was concluded February 25, 1885 which extended the time to May 20, 1886. The time was again extended to May 20, 1887 by the supplementary article of May 14, 1886. This time having expired the convention can be revived only by the negotiation of another instrument.

On the 12th of November 1884 a convention was concluded which provided that the boundary line described in the conventions of February 2, 1848 and December 30, 1853 shall forever be that which follows the center of the normal channel of the Rio Grande and the Colorado river, and that any change wrought by the force of the current, whether by the cutting of a new bed, or when there is more than one channel, by the deepening of another than that which was fixed by the surveys of the international boundary commission in 1852, shall produce no change in the boundary line, but that the line then established shall continue to follow the middle of the original bed, even though this should become wholly dry or be obstructed by deposits.

A diplomatic arrangement was entered into with Mexico on the 29th of July 1882 which permitted the regular federal troops of the two republics to cross the boundary line when they should be in close pursuit of savage Indians. This arrangement was prolonged annually. The last one, however, terminated November 1, 1886.

All Mexican grants in colonization, under the decree of 1824 and the regulations of 1828, were made subject to the approval of the Departmental assembly. Until such approval, they were not definitively valid. And if not thus approved before the change of jurisdiction, it devolved upon the United States, succeeding under the stipulations of the treaty of cession to the obligations of the former government, to complete what thus remained imperfect.[3]

The 8th article of the treaty of Guadalupe Hidalgo, stipulating for protection to the property of Mexican citizens in the territory ceded to the United States, was inapplicable to persons who, before the revolution in Texas, had been citizens of Mexico, and who, by that revolution, had been separated from it.[4]

The fact that Mexico declared, through her commissioners who negotiated the treaty of Guadalupe Hidalgo, that no grants of land were issued by the Mexican governors of California, after the 13th of May, 1846, does not affect the right of parties who, subsequent to that date, obtained grants from the governors whilst their authority and jurisdic-

[1 H. E. Doc. 158, 1st Sess. 48th Cong. 2 23 St. at L. 478. 3 Beard *v.* Federy, 3 Wallace, 478. 4 McKinney *v.* Saviego, 18 Howard, 235.]

tion continued. The authority and jurisdiction of Mexican officers in California are regarded as terminating on the 7th of July, 1846. The political department of the government has designated that day as the period when the conquest of California was completed, and the Mexican officers were displaced; and in this respect the judiciary follows the action of the political department.[1]

In the execution of its treaty obligations with respect to property claimed under Mexican laws, the government may adopt such modes of procedure as it may deem expedient. It may act by legislation directly upon the claims preferred, or it may provide a special board for their determination, or it may require their submission to the ordinary tribunals. It is the sole judge of the propriety of the mode, and having the plenary power of confirmation it may annex any conditions to the confirmation of a claim resting upon an imperfect right, which it may choose. It may declare the action of the special board final; it may make it subject to appeal; it may require the appeal to go through one or more courts, and it may arrest the action of board or courts at any stage.[2]

The treaty of Guadalupe Hidalgo did not alter or destroy the rights of the inhabitants in the ceded territory.[3]]

Mexican titles were recognized by the Treaty of 1848, and by the Treaty of 1853.

If any condition was annexed to a grant which was inconsistent with the public policy of the United States, it was annulled by the conquest.[4]

Brightly's Digest, vol. 1, page 538, contains references to some of the cases in which the Supreme Court of the United States has decided what are and what are not valid Mexican Titles.

MITCHELL'S MAP.

It is stated in the 4th Article of the Convention of 1827 with Great Britain, that the framers of the Treaty of 1783 are acknowledged to have regulated their joint and official proceedings by the map called Mitchell's map. A copy of a section of this map showing a part of New England, of Nova Scotia, the Gulf of St. Lawrence, the coast of Maine, and the Bay of Fundy, is contained in the Senate Document 502, 2d Session 25th Congress.

MOST FAVORED NATION.

Engagements of extradition stand on particular stipulations of Treaty, and are not to be inferred from the "favored nation" clause in Treaties.[5]

The 8th Article of the Convention for the cession of Louisiana provided that after the expiration of twelve years from the date of that Treaty, the ships of France should be treated upon the footing of the most favored nations in the ports of the ceded territory.

It was contended by France that this was an absolute agreement, irrespective of the conditions upon which favors were granted to other

[1 U. S. *v.* Yorba, 1 Wallace, 412. See U. S. *v.* Pico, 23 Howard, 326. 2 Grisar *v.* McDowell, 6 Wallace, 363. 3 Townsend *v.* Greeley, 5 Wallace, 326.] 4 U. S. *v.* Vaca, 18 Howard, 556. 5 6 Op. At.-Gen., 148, Cushing.

nations, and that, therefore, when a favor should be granted to another nation for a consideration (reciprocal or otherwise) or upon a condition, France was entitled to enjoy the same favor without consideration or condition. This was denied by the United States. The claim was abandoned by France in the Treaty of 1831.[1]

MUSCAT.

The Treaty with Muscat was negotiated by the same Edmund Roberts referred to in the note upon Japan. It was transmitted to Congress with the President's Message at the commencement of the 2d Session of the 25th Congress.[2]

NATURALIZATION.

[See "*Citizenship.*"]

NETHERLANDS.

On the 23d of September, 1778, the Pensionary of the city of Amsterdam sent word to the American Commissioners in France that he was "empowered by the burgomasters of the aforementioned city to declare in their names that, provided the said Congress do not enter into any engagement with the English Commissioners which may be hurtful or prejudicial to the commerce of the Republic of the United Provinces, directly or indirectly, the aforesaid burgomasters on their side will be entirely disposed, as far as depends on them, so to direct the course of affairs that whenever the independence of the said United States of America shall be recognized by the English a perpetual treaty of Amity shall be concluded between this Republic and the aforesaid United States, containing the most extensive reciprocal advantages in relation to the commerce of the subjects of the two Powers."[3] In a separate note the Pensionary said that the burgomasters had "not the absurd design of concluding a convention independently of their High Mightinesses, but only to make such preparations as are possible to accelerate the conclusion of a treaty of commerce when the opportunity shall present;"[4] and he suggested that "for this purpose we should take the Treaty between France and America [concluded the previous February] as the basis, changing nothing except those provisions which cannot be applicable in the republic."[5]

A plan of a treaty had been agreed upon at Aix la Chapelle on the 4th of the same month between William Lee and M. de Neufville,[6] which was transmitted to the Committee of Foreign Affairs of Congress by Lee on the 15th of the next month, (October[7].) A copy of this project fell into the hands of the British Government with the papers captured with Laurens.

The correspondence of John Adams shows that he was restive under the restraints imposed upon the American Commissioners by France,

[1] See Notes "France." [2] S. Doc. 1, 26. [3] 1 D. C., 1776–'83, 333. [4] Ib., 332. [5] Ib., 333. [6] Ib., 589–90. [7] Ib., 606–624.

and was impressed with the importance of making independent overtures to Holland. After a somewhat unpleasant correspondence between him and Mr. de Vergennes, he left Paris for Amsterdam,[1] in the hope of being able to obtain a loan there. Congress empowered him to negotiate a loan if possible, and sent him credentials as their Envoy, with authority to negotiate a Treaty.

The Northern Powers of Europe were at that time engaged, for purposes of their own, in the formation of the "armed neutrality," to which the States General were about to accede, at the time when the project of 1778 fell into British hands.[2] The British Minister at the Hague on the 16th of November 1780, presented to the States General a memorial, in which he said: "His Majesty has had for some time indications without number of the dangerous designs of an *unbridled cabal*. But the papers of Mr. Laurens, who calls himself a President of a pretended Congress, have made a discovery of a conspiracy without example in the annals of the republic. It appears by these papers that the gentlemen of Amsterdam have commenced a clandestine correspondence with the rebels of America, from the month of August, 1778, and that there were instructions and full powers given by them, relative to the conclusion of an indissoluble Treaty of Amity with these rebels, subjects of a sovereign to whom the republic is bound by engagements the most strict. The authors of this conspiracy pretend not to deny it; on the contrary they avow it, and endeavor in vain to justify it. It is in these circumstances that His Majesty, depending on the equity of your High Mightinesses, demands a formal disavowal of a conduct so irregular, not less contrary to your engagements, the most sacred, than to the fundamental laws of the Batavian Constitution. The King demands also a prompt satisfaction, proportioned to the offense, and an exemplary punishment of the Pensionary, Van Berckel, and of his accomplices, as disturbers of the public peace and violators of the law of nations."[3]

The States General replied that the subject should be investigated as soon as the laws would permit. John Adams intimated his opinion that this peremptory demand was "adjusted to the state of parties and politics in the Republic;" and he added, "be this as it may, * the publication of Mr. Laurens's papers has had a contrary effect from what they expected and intended."[4] On the receipt of the reply of the States General the British Minister renewed his demand in still more haughty language. He reminded the States General that "the question is concerning a complaint made by an offended Sovereign,"[5] and that if they did not punish the offenders, the King would take charge of it himself.[6] Before he wrote thus, orders had been dispatched to him from London to leave the Hague. As soon as he received them he left Holland; and the year 1781 opened with what was virtually a state of war between the Netherlands and Great Britain.

Adams made skillful use of these events. The constitution of the government of the United Provinces made it impossible to move rapidly. It was necessary to consult each Province before a Treaty could be concluded.[7] By the 1st of March, 1781, Adams thought that Friesland had "taken the provincial resolution to acknowledge the independence of America."[8] In the following December the Quarter of Oostergo in that province proposed a connection with the United States.[9] In February, 1782, Adams writes: "Friesland has at last taken the provincial resolution to acknowledge the independence of which United

[1] 3 D. C., 1776-'83, 221. [2] Ib., 273. [3] Ib., 269. [4] Ib., 274. [5] 3 D. C. 1776-'83, 278. [6] Ib., 279. [7] Ib., 257. [8] Ib., 321. [9] Ib., 511.

America is in full possession."[1] On the 19th of March he communicates in detail the action of the various provinces.[2] On Monday, the 22d of April, the States General declare "that the said Mr. Adams is agreeable to their High Mightinesses, and that he shall be acknowledged in quality of Minister Plenipotentiary,"[3] and on the same day he is officially received by the Stadtholder.[4] On the following day he makes proposal to negotiate a treaty of amity and commerce,[5] and in the evening he meets the Diplomatic Corps at a dinner given by the French Minister in his honor. He quaintly informs Robert Livingston, then Secretary for Foreign Affairs, that there being no etiquette to "hinder a minister from making a good dinner in good company," all were present; and that he was as happy as he should have been if he "had been publicly acknowledged a Minister by every one of them."[6]

With all this good-will the Treaty moved slowly. In June he writes, "I do not expect this Treaty will be finished and signed in less than three months."[7] Four months, less one day, passed before it was signed.[8] But meanwhile Adams had been able to bring to a successful termination the other object of his instructions, which he had rightly conjectured could not be obtained until a Treaty was assured. He had engaged to open "a loan for five millions of guilders," of which he thought it doubtful whether a million and a half would be obtained by the following Christmas.[9]

The circumstances through which this treaty of 1782, negotiated under so great difficulties, ceased to be operative, are related under the Title "Abrogated, suspended, or obsolete Treaties."[10]

NEUTRALS.

The United States have embodied in one series of Treaties, provisions respecting the rights of neutrals in time of war; in other Treaties they have contracted engagements respecting the duties of neutrals towards belligerents.

1. *Rights of Neutrals.*

The early Treaties of the United States were framed under the influence of the ideas which prevailed at the time of the "armed neutrality." Those Treaties, and many others concluded by us, gave competent authority to doctrines which, though disregarded in the general wars consequent upon the French Revolution, have since been assented to by many of the great European Powers in treaties between themselves. (1.) That blockades should not be regarded as effective unless maintained by sufficient force. (2.) That a vessel approaching a blockaded port in ignorance of the blockade is entitled to warning, and to be allowed to retire after notice, if not carrying contraband of war. (3.) That neutrals should have full liberty of loading, (except in contraband,) in enemy's ports not blockaded. (4.) That free ships make free goods. (5.) That free ships protect the persons of enemies, unless officers or an armed force. A reference to the analytical index, Titles "*Neutrals*" and "*Neutral Vessels*," will show with what countries such treaty stipulations have been made by us.

The Treaties of November 10, 1858, with Chili; of March 28, 1830,

[1] 3 D. C., 1776–'83, 552. [2] Ib. 562., [3] Ib., 604. [4] Ib., 605. [5] Ib., 606. [6] Ib., 607. [7] Ib., 617. [8] Ib., 671. [9] Ib., 622. [10] See 5, F. R. F., 590–629, and 6 Ib., 374 and 384.

with Denmark; of April 30, 1803, and July 4, 1831, with France; of November 19, 1794, and May 8, 1871, with Great Britain; and of October 14, 1832, with the Two Sicilies, recognize the duties of belligerents to make compensation to the citizens or subjects of neutrals for losses occasioned by acts done by the belligerent in violation of the principles of international law. For the efforts which have been made by the United States to secure the exemption from capture of property on the high seas, see House Ex. Doc. No. 111, 1st Sess. 33d Cong. For correspondence showing the action of certain European Powers, at the opening of the Crimean war, with respect to the rights accorded to neutrals and those claimed by belligerents, see House Ex. Doc. No. 103, 1st Sess. 33d Cong.

2. *Duties of Neutrals.*

The Treaty of Amity and Commerce of 1778 with France recognizes the duty of a neutral to protect vessels of a belligerent within its jurisdiction.[1] The analytical index will show with what other Powers this engagement has been made. The United States attempted to enforce the same obligation against Portugal in the absence of a Treaty. The general duty was recognized, but the liability in the particular case was not maintained.[2]

In 1794 Jay's Treaty recognized the obligation of a neutral to make compensation to the subjects or citizens of a belligerent who had "sustained loss and damage, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the neutral, and brought into the ports of the same, or taken by vessels originally armed in the ports of the neutral."[3]

The Treaty of Washington of May 8, 1871, contains three rules respecting the duties of neutrals in a maritime war.

In the Arbitration, which took place at Geneva, the main contentions on each side, and the decisions, so far as any were given, were as follows:

I. The United States contended that the three rules were in force before the Treaty was made.[4] Great Britain denied this, both in the Treaty, and in the papers submitted at Geneva.[5] In the British Counter Case it was said: "These rules go beyond any definition of neutral duty which, up to that time, had been established by the law or general practice of nations."[6] The Tribunal did not notice this point; but Mr. Gladstone, in the House of Commons, on the 26th day of May, 1873, said with respect to it: "Were they, as regards us, an *ex post facto* law? I say they were not. We deemed that they formed part of the international law at the time the claims arose."[7]

II. The United States contended that the Government of Great Britain, by its indiscreet haste in counselling the Queen's proclamation recognizing the insurgents as belligerents, by its preconcerted joint action with France respecting the declarations of the Congress of Paris, by its refusal to take steps for the amendment of its neutrality laws, by its refraining for so long a time from seizing the rams at Liverpool, by its conduct in the affair of the Trent, and by its approval of the course of its colonial officers at various times—and that the individual members of the Government, by their open and frequent expressions of sympathy with the insurgents, and of desires for their success—had exhibited an unfriendly feeling, which might affect their own course, and could not

[1] Art. VI. [2] See post "Portugal." [3] Art. VII; See "*Great Britain.*" [4] 1 Pap. rel. Tr. W., 63. [5] Ib., 210, 238. [6] 2 Ib., 216. [7] London Times, May 27, 1873.

but affect the action of their subordinates; and that all this was a want of the "due diligence" in the observance of neutral duties which is required at once by the Treaty and by international law. They also contended that such facts, when proved, imbued with the character of culpable negligence many acts of subordinates in the British service for which, otherwise, the Government might not be held responsible; as, for instance, acts of the collector of customs at Liverpool respecting the Florida and the Alabama; acts of the authorities at Nassau respecting the arming of the Florida at Green Cay, and subsequently respecting her supplies of coal; acts of the authorities at Burmuda respecting the Florida; and acts of the authorities at Melbourne respecting the Shenandoah. They further contended that there were many such acts of subordinates which, taken individually, and by themselves, would not form a just basis for holding culpable a Government which was honestly and with vigilance striving to perform its duty as a neutral; but which, taken in connection with each other, and with the proofs of animus which were offered, established culpability in the government itself.[1]

The mode of stating the contentions on each side in these proceedings was peculiar. The two parties were, by the Treaty, required to deposit their Cases simultaneously; also in like manner their Counter-cases, (each of which was to be a reply to the Case of the other,) and their Arguments on the Cases, Counter-cases, and evidence. When, therefore, the theory of the attack in the Case of the United States was developed, the theory of the defence in the Case of Great Britain was developed simultaneously. In respect of the necessity of bringing home to the government itself the acts of the subordinates, it was identical in theory with the case of the United States. It said,

"A charge of injurious negligence on the part of a sovereign government, in the exercise of any of the powers of sovereignty, needs to be sustained on strong and solid grounds. Every sovereign government claims the right to be independent of external scrutiny or interference in its exercise of these powers; and the general assumption that they are exercised with good faith and reasonable care, and that laws are fairly and properly administered—an assumption without which peace and friendly intercourse could not exist among nations—ought to subsist until it has been displaced by proof to the contrary. It is not enough to suggest or prove that a government, in the exercise of a reasonable judgment on some question of fact or law, and using the means of information at its command, has formed and acted on an opinion from which another Government dissents or can induce an arbitrator to dissent. Still less is it sufficient to show that a judgment pronounced by a court of competent jurisdiction, and acted upon by the Executive, was tainted with error. An administrative act founded on error, or an erroneous judgment of a court, may, indeed, under some circumstances, found a claim to compensation on behalf of a person or Government injured by the act or judgment. But a charge of negligence brought against a Government cannot be supported on such grounds. Nor is it enough to suggest or prove some defect of judgment or penetration, or somewhat less than the utmost possible promptitude and celerity of action, on the part of an officer of the Government in the execution of his official duties. To found on this alone a claim to compensation, as for a breach of international duty, would be to exact, in international affairs, a perfection of administration which few Governments or none attain in fact, or could reasonably hope to attain, in their domestic concerns; it would set up an impracticable, and therefore an unjust and

[1] 4 Pap. rel. Tr. W., 2–3.

fallacious standard, would give occasion to incessant and unreasonable complaints, and render the situation of neutrals intolerable. Nor, again, is a nation to be held responsible for a delay or omission occasioned by mere accident, and not by the want of reasonable foresight or care. Lastly, it is not sufficient to show that an act has been done which it was the duty of the Government to endeavor to prevent. It is necessary to allege and to prove that there has been a failure to use, for the prevention of an act which the Government was bound to endeavor to prevent, such care as Governments ordinarily employ in their domestic concerns. and may reasonably be expected to exert in matters of international interest and obligation. These considerations apply with especial force to nations which are in the enjoyment of free institutions, and in which the Government is bound to obey, and cannot dispense with, the laws."[1]

III. It was maintained in the American Case that the diligence of the neutral should "be proportioned to the magnitude of the subject, and to the dignity and strength of the power which is to exercise it," and that it should be "gauged by the character and magnitude of the matter which it may affect, by the relative condition of the parties, by the ability of the party incurring the liability to exercise the diligence required by the exigencies of the case, and by the extent of the injury which may follow negligence."

On the other side it was said, "Her Majesty's Government knows of no distinction between more dignified and less dignified powers; it regards all sovereign States as enjoying equal rights, and equally subject to all ordinary international obligations; and it is firmly persuaded that there is no State in Europe or America which would be willing to claim or accept any immunity in this respect, on the ground of its inferiority to others in extent, military force, or population."[2] "Due diligence on the part of a sovereign government signifies that measure of care which the Government is under an international obligation to use for a given purpose. This measure, where it has not been defined by international usage or agreement, is to be deduced from the nature of the obligation itself, and from those considerations of justice, equity, and general expediency on which the law of nations is founded. The measure of care which a Government is bound to use in order to prevent within its jurisdiction certain classes of acts, from which harm might accrue to foreign States or their citizens, must always (unless specifically determined by usage or agreement) be dependent, more or less, on the surrounding circumstances, and cannot be defined with precision in the form of a general rule. It would commonly, however, be unreasonable and impracticable to require that it should exceed that which the governments of civilized States are accustomed to employ in matters concerning their own security or that of their own citizens."[3]

The Tribunal in its award said:

"The due diligence referred to in the first and third of the said rules ought to be exercised by neutral governments in exact proportion to the risks to which either of the belligerents may be exposed, from a failure to fulfil the obligations of neutrality on their part; and the circumstances out of which the facts constituting the subject-matter of the present controversy arose were of a nature to call for the exercise on the part of Her Britannic Majesty's Government of all possible solicitude for the observance of the rights and duties involved in the proclamation of neutrality issued by Her Majesty on the 13th day of May, 1861."[4]

[1] British Case, pp. 166–7, repeated in British Argument sec. 114, printed in 1 Pap. rel. Tr. W., 412, and 3 Ib., 304. [2] 4, Ib., 8–9. [3] 1 Ib., 237–8. [4] 4 Ib., 50.

IV. It was maintained in the American Case that, by the true construction of the second clause of the first rule of the Treaty, when a vessel like the Florida, Alabama, Georgia, or Shenandoah, which has been especially adapted within a neutral port for the use of a belligerent in war, comes again within the neutral's jurisdiction, it is the duty of the neutral to seize and detain it. This construction was denied by Great Britain. It was maintained in the British papers submitted to the Tribunal that the obligation created by this clause refers only to the duty of preventing the original departure of the vessel, and that the fact that the vessel was, after the original departure from the neutral port, commissioned as a ship of war, protects it against detention. To this point it was rejoined that a commission is no protection against seizure in such case, and does not operate to release the neutral from the obligation to detain the offender. In the award the Tribunal says that: "The effects of a violation of neutrality committed by means of the construction, equipment, and armament of a vessel are not done away with by any commission which the Government of the belligerent power, benefited by the violation of neutrality, may afterward have granted to that vessel; and the ultimate step by which the offence is completed cannot be admissible as a ground for the absolution of the offender, nor can the consummation of his fraud become the means of establishing his innocence. The privilege of exterritoriality, accorded to vessels of war, has been admitted into the law of nations, not as an absolute right, but solely as a proceeding founded on the principle of courtesy and mutual deference between different nations, and, therefore, can never be appealed to for the protection of acts done in violation of neutrality."[1]

V. It was maintained in the American Case that the liability of Great Britain should be measured by the rules of international law, and that it could not be escaped by reason of any alleged deficiencies in any internal legislation. The award says "the Government of Her Britannic Majesty cannot justify itself for a failure in due diligence on the insufficiencies of the legal means of action which it possessed."[2]

VI. It was maintained in the American Case that the proofs showed that the insurgent cruisers were permitted to supply themselves with coal in British ports in greater quantities, and with greater freedom, and with less restrictions than were imposed upon the United States; and it was insisted that, in consequence of these facts, there was an absence of neutrality, which made those ports the bases of hostile operations against the United States under the second rule of the Treaty. On this point the award says that "In order to impart to any supplies of coal a character inconsistent with the second rule, prohibiting the use of neutral ports or waters as a base of naval operations for a belligerent, it is necessary that the said supplies should be connected with special circumstances of time, of persons, or of place, which may combine to give them such character." It does not appear by the terms of the award that Great Britain is held responsible for the acts of any vessel solely in consequence of illegal supplies of coal. The question is, therefore, a speculative one, so far as relates to this controversy. The opinions of the four abitrators who signed the award furnish, however, the explanation of what they mean, when they speak of "special circumstances of time, of persons, or of place."

Mr. Adams says:

"I perceive no other way to determine the degree of responsibility of a neutral in these cases, than by an examination of the evidence to

[1] 4 Pap. rel. Tr. W., 10–11. [2] Ib., 12.

show the *intent* of the grant in any specific case. Fraud or falsehood in such a case poisons everything it touches. Even indifference may degenerate into wilful negligence, and that will impose a burden of proof to relieve it before responsibility can be relieved."

Count Sclopis says:

"I will not say that the simple fact of having allowed a greater amount of coal than was necessary to enable a vessel to reach the nearest port of its country constitutes in itself a sufficient grievance to call for an indemnity. As the Lord Chancellor of England said, on the 12th of June, 1871, in the House of Lords, England and the United States equally hold the principle that it is no violation of the law of nations to furnish arms to a belligerent. But if an excessive supply of coal is connected with other circumstances which show that it was used as a veritable *res hostilis*, then there is an infraction of the second article of the Treaty. * * * Thus, for example, when I see the Florida and the Shenandoah choose for their fields of action, the one the stretch of sea between the Bahama archipelago and Bermuda, to cruise there at its ease, and the other Melbourne and Hobson's Bay, for the purpose, immediately carried out, of going to the Arctic Seas, there to attack the whaling vessels, I cannot but regard the supplies of coal in quantities sufficient for such services infractions of the second rule of Article VI."

Mr. Stämpfli says of the Sumter:

"The permission given to the Sumter to remain and to take in coal at Trinidad does not of itself constitute a sufficient basis for accusing the British authorities of having failed in their duties as neutrals, because the fact cannot be considered by itself, since the Sumter both before and after that time was admitted into the ports of many other States, where it staid and took in coal, * * * so that it cannot be held that the port of Trinidad served as a base of operations."

But of the Shenandoah he says: "A supply of coal was not a necessary condition of neutral asylum, and in supplying her with so large a quantity of coal, the capacity of the ship for making war was increased just as much as by the recruitment of her crew which took place." The Viscount d'Itajuba, at the thirty-first conference, while signing the decision, remarked with regard to the recital concerning the supply of coals, that he is of the opinion that every government is free to furnish to the belligerents more or less of that article.[1]

The manner in which the United States had performed their duties as a neutral was made the subject of extended comment by both sides in these proceedings. The United States were arraigned in the case of Great Britain;[2] in the British Counter Case;[3] in the British argument;[4] in Sir Roundell Palmer's supplemental argument.[5] In their Counter Case they met the allegations of Great Britain,[6] and they attached to it a mass of historical documents in support of their denial;[7] and their Counsel discussed the subject at length in the argument.[8]

[The Attorney-General has held that there is no authority for the issue of letters or documents addressed to representatives of the United States or naval officers to secure a vessel against interference.[9]

It was also held that judicial proceedings should not be instituted under the act of April 20, 1818, against gunboats building for Spain to be used against Cuba, Cuba having no acknowledged separate existence as a state.[10]

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[1] 4 Pap. rel. Tr. W., 11–12. [2] 1 Ib., 238–244. [3] 2 Ib., 234–263. [4] 3 Ib., 269. [5] Ib., 405 and 414–422. [6] 1 Ib., 433. [7] 1, 2, Ib. [8] 3 Ib., 28–48. [9] 13 Op. At.-Gen., 65. [10] Ib., 177.

Transportation by a vessel from Aspinwall to the coast of Cuba of men, arms, and munitions of war, in aid of an insurrection, has been held not to be of itself a violation of the act of April 20, 1818.[1]]

NICARAGUA.

Nicaragua controls one of the apparently feasible interoceanic canal routes. The engagements with Great Britain respecting this will be found referred to under the title "*Great Britain.*" The engagements with Nicaragua are to be found ante, 779–789.[2]

OTTOMAN PORTE.

Various attempts were made prior to 1830 to negotiate a Treaty of Amity and Commerce with the Ottoman Porte.[3] These efforts began in 1817, before which time American commerce in Turkish Dominions had been "under the protection of the English Levant Company, for whose protection a consulate duty, averaging one and one-fourth per cent. on the value of cargoes inward and outward, was paid."[4] On the 12th of September, 1829, full power was conferred upon Commodore Biddle, in command of the Mediterranean squadron, David Offley, Consul at Smyrna, and Charles Rhind, of Philadelphia, jointly and severally, to conclude a Treaty. They were instructed to make a commercial Treaty upon the most favored nation basis,[5] and they were referred to previous negotiations by Offley, in which he had been instructed to "be careful to provide that the translation shall be correct, and such as will be received on both sides as of the same import."[6]

Rhind made a great mystery of leaving America. He sailed at night in a packet for Gibraltar, where he joined Biddle, and they proceeded together to Smyrna; but when Offley came on board in that port he informed them that it "was perfectly well known in Smyrna that they were Commissioners."

Rhind expressed his disappointment. It was then agreed that he should go alone to Constantinople and commence the negotiations, while his colleagues waited at Smyrna. He proceeded there and presented his letters of credence. After these ceremonies were over he submitted a draft of a Treaty to the Reis Effendi,[7] [which appears to have been in French, in which tongue the negotiation was conducted.] Some days later he was shown the Turkish text of a treaty, and was told by the Reis Effendi that it was "drawn up in strict conformity with the one which he had submitted,"[8] and on the 7th of May the Treaty of 1830 was signed, the Turkish text being signed by the Reis Effendi, as it had been prepared by him, and the French text being signed by Rhind after examination and comparing it with the Turkish. A secret and separate article was also signed at the same time respecting the building of ships and purchase of ship-timber in the United States. Rhind then dispatched a special messenger to summon his colleagues to Constantinople.

[1] 13 Op. At.-Gen., 177, Hoar.] [2] See also, S. E. Docs. 8 and 13, 1st sess. 33d Cong.; S. E. Doc. 112, 2d sess. 46th Cong.; S. E. Doc. 194, 1st sess. 47th Cong. [3] H. E. Doc. 250, Treas. Dept., and 303 State Dept., 1st Sess., 22d Cong. [4] Offley to Van Buren, 7 June, 1830, MS. Dept. of State. [5] H. E. Doc. 250. Treas. Dept., 1st Sess. 22d Cong., 69–73. [6] Ib., 65. [7] Ib., 89. [8] Ib., 93.

When they arrived, and were made acquainted with the separate article, they disapproved of the latter; but rather than lose the Treaty they signed both the Treaty and the separate article in French and informed the Secretary of State of the reasons for their course.[1] This caused a great breach between them and Rhind.

The Senate approved of the Treaty itself, but rejected the separate article. David Porter was then commissioned as chargé d'affaires, and was empowered to exchange the ratifications of the Treaty, and to explain the rejection of the separate article. When he arrived in Constantinople he was met with complaints at the rejection of the separate article by the Senate. Then he reports that a discussion was had "on the return of the translation made at Washington, instead of the one signed at Constantinople."[2] It appears from the archives of the Department of State that four translations were sent to America: (1) An English translation from the original Turkish, not verified; (2) a French translation from the original Turkish verified by Navoni, the American dragoman; (3) another French translation, in black ink, with annotations in red ink; (4) another English translation made from the French. The translation which went before the Senate and was acted on by that body was neither of these. No French version appears to have been transmitted to the Senate with the Turkish text, but a new English version, which, from internal evidence as well as from the tradition of the Department, may be assumed to have been made in the Department of State, mainly from the French version No. 3. Whether this be so or not, it is certain that the French translation signed by Biddle and his colleagues was not the version which was submitted to the Senate, and which after ratification, was offered in exchange at Constantinople.

[There are three English translations of the treaty in the Department of State, each differing slightly from the other, all in the handwriting of two clerks of the office. One is written in a "large bold hand," and the other two are written in a smaller style of chirography and by a different clerk. On the 9th of December, 1830, the President sent the treaty to the Senate. In his message transmitting it, which in fact bears the date of the 10th, he says:

"The French versions herewith transmitted, and accompanied by copies and English translations of the same, are transcripts of the original translations from the Turkish, signed by the Commissioners of the United States, and delivered to the Government of the Sublime Porte. The paper in Turkish is the original, signed by the Turkish Plenipotentiary, and delivered by him to the American Commissioners: of this, a translation into the English language, made at the Department of State, and believed to be correct, is likewise transmitted."

The Senate ordered the papers to be printed in confidence.[3] The confidential document, as printed, consists of the President's message; a French translation of the treaty and of the Separate and Secret Article; and an English translation of the same. The French translation, as printed, conforms to the one verified by Navoni. With the message was transmitted to the Senate a *copy* of the English translation, written in the "large bold hand," and this appears in the confidential document as the English translation. This *copy* of the English translation was not acted upon by the Senate, but on the 16th of December the *original* of one of the other two English translations was presented to the Senate, unaccompanied by a communication, and printed in confidence.[4] This

[1] H. E. Doc. 250, Treas. Dept., 1st sess. 22d Cong., 95; also MS. Dept. of State. [2] Porter's dispatch No. 22, Sept. 26, 1831, MS. Dep. of State. [3] S. Conf. Doc. Dec. 9, 1830. [4] S. Conf. Doc. Dec. 16, 1830.]

was the English translation, which received the consideration of the Senate and met with its approval. It was returned to the President with the Turkish text, and this particular paper and the Turkish text forms part of the President's ratification, which bears date of February 2, 1831. It must, therefore, be considered the official English translation of the treaty, as no other translation, either in the English or French languages, accompanies that instrument, and it received the approval of the Senate. The act of ratification as signed by the President is written in the "large bold hand." The President's proclamation of the treaty, dated February 4, 1832, is written in the same handwriting as the English translation which is attached to the ratification of the President.]

Porter met the difficulty by signing a paper in Turkish of which he returns to Washington the following as a translation: "Some expressions in the French translation of the Turkish instrument exchanged between the plenipotentiaries of the two contracting parties, and which contains the articles of the Treaty of Commerce, concluded between the Sublime Porte and the United States of America, not being perfectly in accordance with the Turkish original, a circumstance purely the effect of translation, and the Government of the United States being satisfied with the Turkish Treaty, and having accepted it without the reserve of any word; therefore, on every occasion the above instrument shall be strictly observed, and if, hereafter, any discussion should arise between the contracting parties, the said instrument shall be consulted by me and by my successors to remove doubts."[1]

This was received at the Department of State on the 5th of December, 1831, and there is no evidence that the act was disapproved. An item was inserted in the appropriation bill to enable the President to carry out the provisions of the Treaty. Porter's dispatches were placed at the service of the Committee of Foreign Affairs of the House,[2] the subject of the appropriation was discussed in the House,[3] and the appropriation was passed.[4]

No question arose respecting the differences between the versions until 1868, when the Turks claimed jurisdiction over two American citizens, arrested and imprisoned by the Turkish authorities in Syria, for alleged offences against the Ottoman government. This claim of jurisdiction over American citizens was resisted by E. Joy Morris, the American Minister, who referred to that part of the 4th article of the Treaty of 1830 which provides that "even when they may have committed some offense, they shall not be arrested and put in prison by the local authorities; but they shall be tried by their Minister or Consul, and punished according to their offense." The Minister for Foreign Affairs replied that the translation was incorrect; that the words "they shall be tried by their Minister or Consul, and punished according to their offense," and the words "they are not to be arrested," were not to be found in the Turkish text; and he cited Porter's declaration in support of his claim that the Turkish text should be accepted as the standard. Morris then, under instructions, secured, through the Russian Ambassador, translations to be made from the Turkish text in Constantinople by the first dragoman of the Prussian Legation, by the first and second dragomans of the Russian Embassy, and by two former dragomans of the Russian Embassy, and sent them to the Department of State. In no one of these were found the words objected to by the Minister for Foreign Affairs, nor any equivalent.

[1] Porter's No. 22, Sept. 26, 1831, MS. Dept. of State. [2] H. E. Doc. 303, 1st Sess. 22d Cong. [3] 8 Debates, 2186–2198. [4] 4 St. at L., 513.

Mr. Fish then instructed Morris that the President had "determined to submit the facts to the consideration of the Senate, and await its resolution before inaugurating any diplomatic action." This was done.[1]

[The discussion as to the true meaning of the Turkish text, assuming it to be the accepted standard, has since continued and is still pending. The Turkish Government has controverted the assertion of jurisdiction by the United States Minister and Consuls over Americans charged with crime in Turkey in several cases, notably with regard to the seaman Kelly who in 1877 was tried by the consul at Smyrna on the charge of murdering a native Turk, and acquitted. The Turkish Government adheres to the allegation that the words defining jurisdictional rights in the premises which appear in the English version are not to be found in the Turkish text. Meanwhile, the Department of State has accumulated a number of additional translations from the Turkish, made by high authority in such matters, without encountering one in which some form does not appear of distinct admission of the intervention of the Minister or Consuls to inflict, administer or apply the punishment due to the crime proven. It is to be observed in this relation that in 1838 a treaty was concluded between the Ottoman Porte and Belgium, signed in parallel Turkish and French texts, between which no discrepancy is alleged; and that the French text of article 4 of that treaty is identical, as to extraterritorial jurisdiction over citizens, with the disputed text of our treaty with Turkey concluded eight years earlier. The same provision also occurs in a still later treaty between Turkey and Portugal.]

In 1855, before question was made of the genuineness of the translation from the original Turkish of the Treaty of 1830, Attorney-General Cushing held that citizens of the United States enjoyed the privilege of exterritoriality in Turkey, Egypt, Tripoli, Tunis, and Morocco.[2]

And Attorney-General Black held that the Consuls had judicial powers only in criminal cases.[3]

In 1862 a new Treaty of amity and commerce was concluded. Mr. Seward wrote to the negotiator, (E. Joy Morris,) "Seeing no cause to question the justice of the expediency of the Treaty you have negotiated, I have the President's instructions to submit the same to the Senate for its consideration.[4]

[This treaty, by its 20th article, was to continue for 28 years, counting from the day of the exchange of ratifications, subject however to one year's notice of termination to be given by either party at the end of the 14th or 21st year. By the 22d article, a tariff was stipulated for the Ottoman Empire, subject to revision at the end of the seventh, fourteenth, twenty-first, twenty-eighth or any subsequent septennial period, counting from the date of exchange of ratifications, on notice duly given by either party of desire for such revision one year before the close of the current seven years.

Aristarchi Bey, the Turkish minister, under date of January 15, 1874, informed the Secretary of State of the desire of his government to terminate the treaty, and that the Sublime Porte had resolved to invite the United States to examine the question of a new treaty. The note stated that, although the time fixed for giving notice to terminate the treaty has not yet arrived, the Imperial government had thought proper to give such notice, with a view to giving time to the high contracting parties to come to an early understanding. Under date of January 21, 1874, Aristarchi Bey was informed that no objection existed to receiving the notice in advance of the period fixed by the treaty, but called at-

[1] S. E. Conf. E, 2d Sess. 41st Cong. [2] 7 Op. At.-Gen., 565. [3] 9 Op. At.-Gen., 296. [4] D. C., 1862, 783.

tention to the fact that by the twenty-second article the second term of the seven years prescribed for its existence would only expire upon the 5th day of June 1876. Timely notice of termination was not in fact given by Turkey before that date, and thus the treaty, and the tariff thereunder, entered upon their third septennial periods.

On March 12, 1883, Aarifi Pasha gave notice to the United States Minister, Lewis Wallace, of the desire of Turkey to terminate the Treaty one year from that date. Under the terms of the 20th article, the treaty, its ratification having been exchanged June 5, 1862, would not end its twenty-first year until June 5, 1884, and the United States government declined to accept notice of an earlier termination, and suggested a new notice to be given before June 5, 1883. Such notice was not in fact tendered until after that date, and the treaty entered upon a fourth septennial period. This was contested by the Turkish government, which claimed that its announced intent to terminate the treaty, simultaneously with the acceptance by the United States of its proposal for a tariff revision operated as a sufficient notification.

Throughout this discussion, the government of the Porte appears to have confounded the dates at which tariff revision became practicable under article twenty-two of the treaty, and the dates when the treaty itself might be terminable under article twenty. The acceptances (ratifications) of the tariff were exchanged March 12, 1862, and the tariff was therefore subject to revision at the end of each seventh year thereafter on one year's prior notice. The treaty was terminable at the end of the fifteenth, twenty-second and twenty-ninth years from date of exchange of ratifications (June 5, 1862) on one years notice given at the expiration of the fourteenth, twenty-first and twenty-eighth years of its life. The tariff and treaty periods therefore differed by about fifteen months.

In his first annual message to Congress President Cleveland said: "The termination of the commercial treaty of 1862 between the United States and Turkey has been sought by that government. While there is question as to the sufficiency of the notice of termination given, yet as the commercial rights of our citizens in Turkey come under the favored nation guarantees of the prior treaty of 1830, and as equal treatment is admitted by the Porte, no inconvenience can result from the assent of this government to the revision of the Ottoman tariff, in which the treaty powers have been invited to join."[1]

Since June 5, 1884, the Ottoman government has treated the convention of 1862 as no longer operative.

No result has yet attended the standing invitation of the Turkish government to negotiate a new commercial treaty. Meanwhile, the commerce of the United States enjoys in the Ottoman dominion the most favored treatment.

The Supreme Court has held that the treaties concluded between the United States and the Ottoman Empire concede to the United States the same privileges and rights as to exterritorial jurisdiction enjoyed by other Christian nations.[2]

The Ottoman government having passed a law conceding to foreigners the right to hold real estate under certain conditions, Congress, by act of March 23, 1874,[3] authorized the President to accept such law for citizens of the United States; and a protocol was thereupon signed to that effect. A proclamation was issued by the President October 29 1874.[4]

[[1] F. R., 1885, xiv. [2] Dainese *v.* Hale 91 U. S. 13. [3] 18 St. at L., 23. [4] Ib. 850.]

In 1874, conventions of naturalization and extradition were concluded by the minister of the United States at Constantinople.

The convention for extradition was duly ratified by the Senate, exchanged, and proclaimed. In the fifth article the word "et" (and) follows the word "commis" (committed) in the French text. In the English text the word "or" is substituted for the word "and," which appears to be a clerical error.

The convention of naturalization was amended in the Senate by a change of phraseology in reference to the effect of a two years' residence after naturalization by the naturalized citizen in his original country.

The amendments were accepted by the Sublime Porte, with a declaration of what it understood to be their intent and significance, and ratifications were exchanged at Constantinople, April 22, 1875. The Government of the United States, however, did not accept the interpretation attached to the amendment by the Porte, and Mr. Maynard, then Minister at Constantinople was instructed by Mr Fish, June 5. 1875 that if the Turkish government "should seriously and earnestly object" to construcing the treaty "according to its literal and obvious meaning as amended by the Senate" he was to propose the negotiation of a new treaty. Nothing was however then accomplished in the way of new negotiations, and the naturalization treaty has since remained in suspense for want of due proclamation on both sides.

Recently, negotiations have been set on foot, looking to the acceptance of the Senate's amendments by the Porte and the promulgation of the treaty.]

PERSIA.

The Treaty with Persia was negotiated at Constantinople. "On the negotiation * the sum of ten thousand dollars was expended through the Legation in gifts, under the authority of the Department."[1]

The provisions for carrying into effect the judicial parts of it are referred to under the title "CONSULS."

[The act of June 6, 1872, subjecting opium, &c., when imported from places west of the Cape of Good Hope, to an additional duty of ten per cent. *ad valorem*, is not in conflict with the favored nation clause of the treaty with Persia.[2]]

PERU.

[See "*Claims.*"]

On the 9th of December, 1862, Mr. Barreda, the Peruvian Minister at Washington, wrote to Mr. Seward—

"El infrascripto, ministro residente del Perú, tiene el honor de informar á S. E. el secretario de estado de los Estados Unidos, que ha recibido órdenes de su gobierno para notificar al de la union que el del Perú, en uso de la facultad que le concede el parágrafo primero del ar-

[1] E. Joy Morris to Mr Seward, Feb. 25. 1862 MS. Dept. of State. [2] Powers *v.* Comly, 101 U. S., 789.]

tículo cuarenta del tratado de amistad, comercio y navegacion, celebrado en Lima el dia 26 de Julio de 1851, y cuyas ratificaciones fueron canjeadas en Washington el 16 de Julio de 1852, declara: que el referido tratado concluirá y terminará enteramente, un año despues de la fecha de la presente notificacion.

"El infrascripto ha recibido tambien órden espresa de su gobierno para manifestar al de S. E. el secretario de estado de los estados Unidos, que este procedimiento no envuelve en manera alguna la intencion de interrumpir las cordiales relaciones que ecsisten entre los dos países; su objeto es únicamente devolver á estos su plena libertad, bien para declarar subsistente ese tratado, ó para negociar otro que sea mas conveniente á los intereses de ambas naciones."[1]

Mr. Seward replied on the 15th of the same month, "The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Señor F. L. Barreda, Minister Resident of the Republic of Peru, of the 9th instant, in which, pursuant to instructions received from his Government, notice is given of its intention to terminate and conclude the treaty of 26 July, 1851, between the United States and Peru, within one year from the date of this notification, which is not intended as an indication of any disposition on the part of Peru to interrupt the cordial relations now existing, but merely to leave the two Governments at liberty either to declare the continuance of the present Treaty, or to negotiate another more conducive to mutual interests.

"The Government of the United States cannot but be gratified that that of Peru has taken this step, in order that it may be free to enter into conventional stipulations of the most liberal character, if it should be found more expedient to frame a new than to continue in force the existing Treaty; he, therefore, contents himself with acknowledging the receipt of this official notification, assuring Mr. Barreda that the Government of the United States will promptly respond to the liberal and enlightened intentions of Peru in the adoption of such measures as may be deemed most productive of those cordial relations which it is equally the interest as it is undoubtedly the object of both to maintain."[2]

[Under the treaty of 1851 with Peru, the United States are not bound to pay a consul of the Peruvian government the value of property belonging to a deceased Peruvian, on whose estate the consul was entitled to administer, which may have been unjustly detained and administered by a local public administrator.[3]]

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[1] "The undersigned, Minister Resident of Peru, has the honor to inform His Excellency the Secretary of State of the United States, that he has received orders from his Government to notify that of the United States, that that of Peru, in use of the authority which the first paragraph of Article forty of the Treaty of Friendship, Commerce, and Navigation concedes to it, concluded at Lima, on the 26th day of July, 1851, and the ratifications of which were exchanged at Washington, on the 16th of July, 1852, declares that the said Treaty shall altogether cease and determine on the expiration of one year from the present notice.

"The undersigned has also received from his Government the express order to make known to that of His Excellency the Secretary of State of the United States, that this measure does not in any manner involve the intention of interrupting the cordial relations which exist between the two countries, its purpose being to restore to them their full liberty, either to declare this treaty in force, or to negotiate another which may be more advantageous to the interests of both nations." MS. Dept. of State.

[2] MS. Dept. of State. [3 9 Op. At.-Gen., 383, Black.]

PORTUGAL.

[See "*Commerce.*"]

The destruction of the American armed brig "General Armstrong" by a British man-of-war, in the harbor of Fayal, in 1814, gave rise to a long-continuing correspondence,[1] which resulted, in 1851, in an agreement to refer the claims growing out of it to "the arbitrament of a sovereign, potentate, or chief of some nation in amity with both the high contracting parties."[2] The President of the French Republic (afterwards Napoleon III) was selected as the arbiter. This decision was adverse to the United States.[3]

[The second article of the treaty between the United States and Portugal, made on the 26th of August, 1840, provides as follows: "Vessels of the United States of America arriving, either laden or in ballast, in the ports of the Kingdom of Portugal, and, reciprocally, Portugese vessels arriving, either laden or in ballast, in the ports of the United States of America, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-house duties, pilotage, port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the government, the local authorities, or any public or private establishment whatsoever."

On the 30th of July, 1846, Congress passed an act, which contained the following provision:

"Schedule I. (Exempt from duty.) Coffee and tea, when imported direct from the place of their growth or production, in American vessels, or in foreign vessels entitled by reciprocal treaties to be exempt from discriminating duties, tonnage, and other charges; * * *."

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[1] H. E. Doc. 53, 1st Sess. 32d Cong. [2] Ante, 896.

[3] S. E. Doc. 24, 2d Sess. 32d Cong. The following is a translation of the material parts of the decision:

"Considering that it is clear, in fact, that the United States were at war with Her Britannic Majesty, and Her Most Faithful Majesty preserving her neutrality, the American brig The General Armstrong, commanded by Captain Reid, legally provided with letters of marque, and armed for privateering purposes, having sailed from the port of New York, did, on the 26th of September, 1814, cast anchor in the port of Fayal, one of the Azores Islands, constituting part of Her Most Faithful Majesty's dominions;

"That it is equally clear that, on the evening of the same day, an English squadron, commanded by Commodore Lloyd, entered the same port;

"That it is no less certain that, during the following night, regardless of the rights of sovereignty and neutrality of Her Most Faithful Majesty, a bloody encounter took place between the Americans and the English; and that on the following day, the 27th of September, one of the vessels belonging to the English squadron came to range herself near the American privateer for the purpose of cannonading her; that this demonstration, accompanied by the act, determined Captain Reid, followed by his crew, to abandon his vessel, and to destroy her;

"Considering that if it be clear that, on the night of the 26th of September, some English long-boats, commanded by Lieutenant Robert Fausset, of the British navy, approached the American brig The General Armstrong, it is not certain that the men who manned the boats aforesaid were provided with arms and ammunition;

"That it is evident, in fact, from the documents which have been exhibited, that the aforesaid long-boats, having approached the American brig, the crew of the latter, after having hailed them and summoned them to be off, immediately fired upon them, and that some men were killed on board the English boats, and others wounded—some of whom mortally—without any attempt having been made on the part of the crew of the boats to repel at once force by force;

"Considering that the report of the governor of Fayal proves that the American

As to the article alone, it was held that it applied only to *vessels* of the two nations, and not to the *cargoes* of the vessels. Such was the view taken by both nations.

In October, 1841, less than six months after the ratification of the treaty had been proclaimed by the United States, the Queen of Portugal promulgated a decree of the general Cortes, imposing a discriminating duty on goods imported in foreign vessels which were not the production of the country to which such vessels might belong.

The United States did the same by the eleventh section of the act of August 30, 1842, two years after the treaty was made, in placing an additional duty of ten per cent. above the rates of duty fixed in the act, "upon goods, on the importation of which, in American or foreign vessels, a specific discrimination between them is not herein made, which shall be imported in ships not of the United States."

This legislation was acted upon by both nations without any complaint, or suggestion, that it was not in conformity with the treaties.

But it was contended that the act of 1846 did what the treaty did not do. There was such a misapprehension for some time. The error arose, the court said, from a misapplication of the act to the treaties which we had with nations abolishing discriminating duties of tonnage and port charges, instead of confining it to our treaties stipulating for that, and containing the additional reciprocity, permitting our vessels and theirs to import into the ports of either, on payment of the same duties, the productions of other foreign countries, whether they are shipped from the country in which they are produced, or from any other foreign country.

"When the act of July 30, 1846, was passed, we had commercial treaties with twenty-four nations. Thirteen of them—Russia, Austria, Prussia, Sweden, Denmark, Hanover, Sardinia, the Hanseatic cities, Greece, Venezuela, Brazil, Central America, and Ecuador—'had acceded to the most liberal and extended basis of maritime and commercial reciprocity.'" The provisions of these treaties "give to us and to them a direct and indirect carrying trade. * * *

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captain did not apply to the Portuguese government for protection until blood had already been shed, and, when the fire had ceased, the brig General Armstrong came to anchor under the castle at a distance of a stone's-throw; that the said governor states that it was only then that he was informed of what was passing in the port; that he did, on several occasions, interpose with Commodore Lloyd, with a view of obtaining a cessation of hostilities, and to complain of the violation of a neutral territory;

"That he effectively prevented some American sailors, who were on land, from embarking on board the American brig for the purpose of prolonging a conflict which was contrary to the law of nations;

"That the weakness of the garrison of the island, and the constant dismantling of the forts, by the removal of the guns which guarded them, rendered all armed intervention on his part impossible;

"Considering, in this state of things, that Captain Reid, not having applied from the beginning for the intervention of the neutral sovereign, and having had recourse to arms in order to repel an unjust aggression of which he pretended to be the object, has thus failed to respect the neutrality of the territory of the foreign sovereign, and released that sovereign of the obligation in which he was, to afford him protection by any other means than that of a pacific intervention;

"From which it follows that the government of Her Most Faithful Majesty cannot be held responsible for the results of the collision which took place in contempt of her rights of sovereignty, in violation of the neutrality of her territory, and without the local officers or lieutenants having been required in proper time, and enabled to grant aid and protection to those having a right to the same;

"Therefore we have decided, and we declare, that the claim presented by the Government of the United States against Her Most Faithful Majesty has no foundation, and that no indemnity is due by Portugal in consequence of the loss of the American brig The General Armstrong, armed for privateering purposes."

"Between the treaties of which we have been just speaking and our treaty with Portugal there is nothing in common, except the provision in the latter abolishing discriminating duties of tonnage and all other port charges upon vessels. In the negotiation of our treaty with her, our Chargé d'Affaires, Mr. Kavanagh, was instructed to offer and to ask for the same enlarged intercourse which we had with these nations. But Portugal preferred to keep the direct trade, placing herself with those nations which had denied to us the indirect trade, or the transportation of foreign produce in our vessels from the place of its growth to their ports."[1]]

PROCLAMATION.

[The Supreme Court held that a proclamation took effect when it was signed by the President and sealed with the seal of the United States, officially attested, and that its publication in the newspapers was not requisite to make it operative.[2]]

PRUSSIA.

Overtures for a Treaty of Commerce and Navigation were made to John Adams by M. de Thulemeier, Prussian Envoy to the Hague, on the 18th of February, 1784.[3] Adams replied that he "could do nothing but in concurrence with Mr. Franklin and Mr. Jay, who were at Paris, but that he thought he could answer for the good disposition of those gentlemen, as well as of his own."[4] Franklin and Jay concurred in desiring to negotiate such an instrument, and Adams proposed to Thulemeier that the then recently negotiated Treaty with Sweden should be taken as the model of the proposed instrument. Thulemeier adopted the suggestion, and in the following April sent Adams a projét based upon it, which Adams transmitted to the President of Congress.[5]

On the 7th of the following June, Adams transmitted to the President of Congress an account of the negotiations, with his observations upon the Prussian projét.[6] On the 3d of that month, however, Adams, Franklin, and Jefferson had been invested by Congress with a general power to conclude Treaties of Amity and Commerce with various Powers in Europe, among others with Prussia;[7] and they notified Thulemeier that they were ready "to consider and complete the plan of a Treaty" which he had already transmitted.[8]

Thulemeier communicated this to his Government, and received a "full power to conclude a Treaty of Commerce and Friendship between Prussia and the United States."[9] The negotiations were conducted with great rapidity, under the circumstances.[10] Franklin left Passy on the 12th of July, 1785, for America.[11] The French text of the Treaty at the time of his signature had not reached Paris, and he signed only the English text.[12] The French draught reached Paris several days later, and was copied, by Jefferson's directions, into the instruments

[1] Oldfield *v.* Marriott, 10 Howard, 146. [2] Lapeyre *v* United States, 17 Wallace, 191.] [3] 1 D. C., 1783–9, 435. [4] Ib. [5] Ib., 442, et seq. [6] Ib., 458, et seq. [7] Ib., 501. [8] Ib., 505. [9] Ib., 519. [10] Ib., 554–561, 578–582, and 593. [11] 10 Franklin's Works, 213. [12] 1 Jefferson's Works, 359.

which Franklin had signed. Then Jefferson signed the documents, and Short took them to Adams, in London, for his signature.[1] Short then went to the Hague to secure Thulemeier's signature to the Treaty, and its exchange.[2]

On the 11th of July, 1799, when this was about to expire by its own limitation, a new Treaty was concluded by John Quincy Adams, at Berlin, which his father, the President, communicated to Congress on the 22d of November, 1800.[3] This also expired in ten years from the exchange of ratifications, in the midst of the wars of Napoleon.

In 1828 a new Treaty of Amity and Commerce with Prussia was concluded, which is still in force. The fourteenth article makes provision for the disposition and the succession of both personal and real estate in each country by citizens of the other. Attorney-General Cushing said of this, there "is a stipulation of Treaty, constitutional in substance and form; which, as such, is the supreme law of the land; and which abrogates any incompatible law of either of the States. * * In the circumstances suggested by the Baron von Gerolt, it is an act of mere duty and of simple good faith on our part to assure him that such is the law."[4]

This Treaty conferred upon consuls jurisdiction over disputes between masters and seamen. President Polk in his annual message, December 2, 1845, said, "The Prussian Consul at New Bedford, in June, 1844, applied to Mr. Justice Story to carry into effect a decision made by him between the captain and crew of the Prussian ship Borussia, but the request was refused on the ground that without previous legislation by Congress the judiciary did not possess the power to give effect to this article of the Treaty. * I have deemed it proper, therefore, to lay the subject before Congress, and to recommend such legislation as may be necessary to give effect to these Treaty obligations."[5] No such act was passed until June 11, 1868.[6]

It was held by Attorney-General Evarts that the provisions of this Treaty respecting the arrest and imprisonment of deserters applies to public vessels sailing under the flag of the North German Union, and deserters from such vessels.[7]

On the outbreak of the Franco-German war, the German Minister at Washington informed Mr. Fish that private property on the high seas was to be exempted from seizure by German vessels without regard to recriprocity.[8] Mr. Fish replied, "The Government of the United States receives with great pleasure the renewed adherence of a great and enlightened German Government to the principle temporarily established by the Treaty of 1785, and since then advocated by this Government whenever opportunity has offered."[9]

Before the formation of the North German Union,[10] questions were arising with Prussia, respecting the compulsory enlistment in the Prussian army of persons who had become naturalized as citizens of the United States.[11] These questions were intended to be set at rest by the Treaty of Naturalization with the North German Union.[12] Some doubts still remaining as to the proper construction of that Treaty, Prince Bismarck said, in the Diet, "The gentleman who has last spoken fears that a person who has lived five years in America, and been naturalized there, may yet, on his return here, be held to military duty. This apprehension I can designate as perfectly and absolutely unfounded. The literal observation of the Treaty includes in itself that those whom we are

[1] 1 Jefferson's Works, 365–366. [2] 1 D. C., 1783–'89, 597. [3] 1 F. R. F., 54. [4] 8 Op. At.-Gen., 417. [5] H. E. Doc. 2, 1st Sess. 29th Cong., 15. [6] 13 St. at L., 121. [7] 12 Op. At.-Gen., 463. [8] F. R., 1870, 217. [9] Ib. [10] S. E. Doc. 9, 2d Sess. 40th Cong. [11] S. E. Doc. 38, 1st Sess. 36th Cong. : President's message May 2, 1860. [12] Ante, 790.

bound to acknowledge as American citizens can not be held to military duty in North Germany. That is the main purpose of the Treaty. Whosoever emigrates *bona fide* with the purpose of residing permanently in America shall meet with no obstacle on our part to his becoming an American citizen, and his *bona fides* will be assumed when he shall have passed five years in that country, and, renouncing his North German nationality, shall have become an American citizen."[1]

[Where the detention of a vessel in the port of New Orleans was caused by her resistance to the orders of the properly constituted authorities whom she was bound to obey, she preferring such detention to a clearance upon the conditions imposed, *Held*, that her owner, a subject of Prussia, was not entitled to any damages against the United States, under the law of nations or the treaty of 1828 with that power.[2]

Article 10 of the same treaty gives exclusive jurisdiction to the competent consular officers of contests as to wages between the vessel and the crew. Where the court entertained a suit the decree was reversed.[3]

The provisions of the Prussian treaty of May 1, 1828, for the arrest and imprisonment of deserters from public ships and merchant vessels of the respective countries, applies to public vessels sailing under the flag of the North German Union and deserters from such vessels.[4]]

RUSSIA.

The unbroken good relations between Russia and the United States happily furnish little material for "Notes."

The correspondence which was transmitted to the Senate with the Convention of 1824 may be found in volume 5 of the Folio Edition of the Foreign Relations, pages 432 to 471.

Russia, Great Britain, and the United States were each claimants of an indefinite coast line on the Pacific south of latitude 56°. The claims of Russia, which extended to the high seas, are thus stated in John Quincy Adams's instructions to Henry Middleton: "The pretensions of the Imperial Government extend to an exclusive territorial jurisdiction from the forty-fifth degree of north latitude on the Asiatic Coast, to the latitude of fifty-one north on the Western Coast of the American Continent, and they assume the right of interdicting the *navigation* and the fishery of all other nations to the extent of one hundred miles from the whole of that coast. The United States can admit no part of these claims.[5] * They can in no wise admit the right of Russia to exclusive territorial possession on any part of the Continent of North America south of the 60th degree of North latitude. They will maintain the right of their citizens, enjoyed without interruption since the establishment of their independence, of free trade with the original natives of the Northwest Coast throughout its whole extent."[6]

The negotiations under these instructions were delayed under the supposition that Great Britain would take part in them. When Middleton had reason to suppose that separate negotiations were to take place between Great Britain and Russia, he made known to both sides the territorial rights of the United States.[7] Soon after that he began his negotiations with Nesselrode. At the first interview he found him, "as well disposed to treat with us as ever."[8] In less than two months from the beginning of the negotiations the Convention was signed.

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[1] S. E. Doc. 51, 2d Sess. 40th Cong. [[2] U. S. *v.* Dickelman, 92 U. S., 520. [3] The Elwine Kreplin, 9 Blatchford, 438; see also Exparte Newman, 14 Wallace, 152. [4] 12 Op. At.-Gen. 463, Evarts.] [5] 5 F. R. F., 436. [6] Ib., 446. [7] Ib., 458. [8] Ib.

The fourth article of this Treaty was to remain in force for ten years. At the expiration of that time the Russian Minister at Washington gave notice to the Secretary of State that American sea-captains were infringing upon what Russia regarded as her rights, and suggested that "the American public should be informed of the actual state of the relations on this subject," adding that he had been "ordered to invite the Government of the United States to take the most suitable measures with regard to it."[1]

Mr. Forsyth instructed negotiations to be opened at St. Petersburg for the purpose of an indefinite extension of the Treaty; but they proved to be fruitless. Nesselrode closed them by saying that it was "impossible for the Imperial Government to accede to the proposition. * The renewal of the fourth article could hardly contribute to extend, in a reciprocally useful manner, the commercial relations between Russia and the United States of America; or, by consequence, answer the constant solicitude of the Imperial Government to cement more and more, and in a mutual interest, the friendly intelligence which it is always happy to cultivate with the Government of the Union."[2]

These questions were set at rest by the cession of Alaska. The Treaty was communicated to Congress on the 6th of July, 1867, with a request for necessary legislation.[3] The steps taken in the actual transfer of the ceded territory are set forth in the President's Message of January 27, 1868.[4] A copy of the Treaty of cession, and of the correspondence relating to it, and other correspondence, with "information in relation to Russian America," including Mr. Sumner's speech, was communicated to the House on the 17th of February, 1868.[5]

The subject of the appropriation to carry out this Treaty was discussed at length in the House.[6] The Chairman of the Committee on Foreign Affairs reported in favor of it.[7] The act was at last passed on the 27th of July.[8]

SALVADOR.

[In the fourth article of the extradition treaty of 1870, the conjunction "o" (or) appears in the Spanish text, after the word "asilo" (asylum). The non-appearance of the corresponding word in the English text appears to be a clerical omission.

In the fifteenth article of the treaty of amity commerce, and consular privileges of 1870, the words "á otro lugar perteneciente á un enemigo," follow the words "un enemigo" (an enemy) in the Spanish text. The absence from the English text of these words, being in translation "to another place belonging to an enemy," appears to be a clerical omission.]

SIAM.

The first Treaty with Siam was concluded by Edmund Roberts, already alluded to, who, on the 27th of January, 1832, was made the Agent of the President "for the purpose of examining, in the Indian Ocean, the means of extending the commerce of the United States by commer-

[1] S. E. Doc. 1, 3d Sess. 25th Cong., 25–26. [2] Ib., 70. [3] S. E. Doc. 17, 1st Sess. 40th Cong. [4] H. E. Doc. 125, 2d Sess. 40th Cong. [5] H. E. Doc. 177, 2d Sess. 40th Cong.; see also part 2 same doc. [6] Globe, 2d Sess. 40th Cong. [7] H. R. 37, 2d Sess. 40th Cong. [8] 15 St. L., 198.

cial arrangements with the Powers whose dominions border on those seas."[1]

The second Treaty was communicated to Congress by President Buchanan on the 10th of December, 1858, with the recommendation of "an act for carrying into effect the provisions of Article II."[2] A general law for the purpose was passed in 1860.[3]

[An agreement regulating the traffic in spirituous liquors in Siam was signed May 14, 1884. The sixth article provides that the agreement shall come into operation on a date to be fixed by mutual consent. This time has not yet been agreed upon and consequently the agreement is not in force at the present writing.]

SPAIN.

[See "*Cession of Territory*," "*Citizenship*," "*France*," "*Free ships*," "*Treaties*."]

The Preliminary Treaty of Fontainebleau, (1762,) between England, France, and Spain, contained the following stipulation respecting boundaries in America: Article VI: "Il est arrêté qu'à l'avenir les confins entre les états de s. m. britannique et ceux de s. m. *tr.-chrét.* en cette partie du monde, seront irrévocablement fixés par une ligne tirée au milieu du fleuve de *Mississippi*, depuis sa source jusqu'á la riviere d'*Iberville;* et delá par une ligne tirée au milieu de cette riviere et des lacs *Maurepas* et *Pontchartrain* jusqu'a la mer, et, á cette fin, le roi *très-chrétien* cède en toute propriété et garantit is. m. brit. la riviere et le port de la *Mobile* et tout ce qu'il possede ou a dû posséder du côté gauche du fleuve de *Mississippi*, à l'exception de la *Nouvelle-Orléans* et de l'île dans laquelle elle est située, qui demeureront a la France. Bien entendu que la navigation du *Mississippi* sera également libre tant aux sujets de la *Grande-Brétagne* qu'à ceux de la *France*, dans toute sa largeur et dans toute sa longueur, depuis sa source jusqu'à la mer, et nommément dans cette partie qui est entre cette ile et la rive droite du fleuve, aussi bien qu'à son entrée ou à sa sortie, par son embouchure." Article XIX: "S. m. *cath.* cede et garantit, en toute propriété, a s. m. *brit.* tout ce que l'*Espagne* possède sur le continent de l'*Amérique septentrionale* à l'est ou au *sud-est* du *Mississippi*."[4]

On the same day the Duc de Choiseul on the part of France, and the Marquis de Grimaldi on the part of Spain, signed the preliminary act for the cession of Louisiana and New Orleans to Spain, which was soon

[1] MS. Dept. of State. [2] H. E. Doc. 2, 2d Sess. 35th Cong. [3] 12 St. at L., 72.

[4] Martens, Recueil de traités. Article VI: "It is agreed that in future the boundaries between the states of His Britannic Majesty and those of His *Most Christian* Majesty in that part of the world, shall be irrevocably fixed by a line drawn in the middle of the *Mississippi* River, from its source to the *Iberville* River; and thence by a line drawn in the middle of the latter river and of Lakes *Maurepas* and *Pontchartrain* to the sea; and, to this end, the *Most Christian* King cedes, in absolute ownership, and guarantees to His Britannic Majesty, the river and port of *Mobile*, and all that he possesses or ought to have possessed on the left side of the *Mississippi* River, with the exception of *New Orleans* and of the island on which it is situated, which shall continue to belong to France. It is understood that the navigation of the *Mississippi* shall be equally free to the subjects of *Great Britain* and to those of *France*, throughout its breadth and length, from its source to the sea, and especially in that part which is between that island and the right bank of the river, both at its entrance and at its outlet, through its mouth." Article XIX: His *Catholic* Majesty cedes and guarantees, in absolute ownership, to his *Britannic* Majesty all that *Spain* possesses on the continent of *North America*, to the east or *southeast* of the *Mississippi*."

after ratified by the King of Spain. In this it was agreed that "Sa majesté très-chrétienne cède en toute propriété, purement et simplement, et sans aucune exception, à sa majesté catholique et à ses successeurs à perpétuité, tute le pays connu sous le nom de Louisiane, ainsi que la Nouvelle Orléans, et l'île sur laquelle se trouve cette ville."[1]

The provisional articles of Peace between the United States and Great Britain were dated November 30, 1872, and describe the Western and Southern Boundaries thus: "Thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the 31st degree of north latitude; south by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator to the middle of the river Appalachicola, or Catahouche; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's River, and thence down along the middle of St. Mary's River to to the Atlantic Ocean."

The preliminary Articles of Peace between Great Britain and Spain were signed on the 20th of January, 1783. By the 3d article it was agreed "Sa majesté britannique cédera à sa majestè catholique la Floride orientale, et sa dite majesté catholique conservera la Floride occidentale."[2]

The definitive Treaties of Peace between Great Britain and Spain and between Great Britain and the United States were both signed on the same day, (Sept. 3, 1783,) the first at Versailles, the other at Paris.

Under these several Treaties the United States had a valid title to the right of navigation of the Mississippi, from its source to its mouth, and an equal right to the 31st parallel as a southern boundary, except as departed from between the Flint River and the Atlantic Ocean.

But Spain at once began encroachments upon our territories. In 1784 she opened indirect negotiations with the Indians residing within those territories;[3] in 1790 she opened direct negotiations with them, and divided with them the territory within what was afterwards the States of Mississippi and Alabama, as far north as Vicksburg, and established a station at Natchez,[4] and on the 25th of May, 1793, she made up her mind to cast in her fortunes with England in the war against revolutionary France.[5]

While these proceedings were going on Genet arrived in America from France, and began the hostile operations against Spain from the territories of the United States, which have been alluded to under the title "*France*." Jefferson was thoroughly persuaded that it would be impossible, under all those circumstances, to avoid a war with Spain. On the 2d of June, 1793, he wrote Madison: "There is, too, at this time a lowering disposition perceivable both in England and Spain. The former keeps herself aloof, and in a state of incommunication with us, except in the way of demand. The latter has not begun auspiciously with C. and S. at Madrid, and has lately sent 1,500 men to New Orleans, and greatly strengthened her upper posts on the Mississippi."[6] And on the 23d of the same month he again wrote Madison: "Spain is unquestionably picking a quarrel with us; a series of letters from her Commissioners here prove it. We are sending a courier to Madrid. The

[1] 8 Garden traites de paix, 40. "His Most Christian Majesty cedes, in absolute ownership, purely and simply, and without any exception, to His Catholic Majesty and to his successors forever, all the country known by the name of Louisiana, including New Orleans and the island on which that city is situated." [2] 3 Martens, Recueil, 511. "His britannic majesty shall cede eastern Florida to his catholic majesty, and his said catholic majesty shall retain western Florida." [3] 1 F. R. F., 278. [4] Ib., 280. [5] Ib., 277. [6] 3 Jefferson's Works, 569.

inevitableness of war with the Creeks, and the probability, I might say certainty, of it with Spain, (for there is not one of us who doubts it,) will certainly occasion your convocation, at what time I cannot exactly say, but you should be prepared for this important change in the state of things."[1]

The "C. and S." referred to in these letters were Carmichael and Short, the details of whose fruitless negotiations appear in the first volume of the Folio Edition of the Foreign Relations, pages 432 to 446. For other papers respecting "Spain" see the same volume, pages 247 to 288, and 454 to 460. See also, *ante*, "*France*," respecting Genet's operations.

From the middle of 1793 to the middle or close of 1794 the problem of preserving peace appeared to be difficult. Great Britain occupied military posts within the United States, on the northern frontier, and had pushed a garrison far south towards Cincinnati. Spain occupied Natchez and proposed to support the Indians who dwelt within what are now the States of Mississippi, Alabama, and a large part of Georgia, in maintaining their independence. The Indians in the Northwest were in open hostilities. Genet set the administration at defiance in the Atlantic States, and appealed to the nation to support him. Washington solved the difficulty by asking the recall of Genet, by sending Jay to London, and by ordering Thomas Pinckney to Madrid with full power and authority * "for and in the name of the United States to meet, confer, treat, and negotiate with the ministers, commissioners, deputies, or plenipotentiaries of his said Majesty, [the King of Spain;] being furnished with sufficient authority of and concerning the navigation of the river Mississippi; and such other matters relative to the confines of the territories of the United States and his Catholic Majesty, and the intercourse to be had thereon, as the mutual interests and general harmony of neighboring and friendly nations require to be precisely adjusted and regulated; and of and concerning the general commerce between the United States and the Kingdoms and Dominions of His Catholic Majesty; and to conclude and sign a treaty or treaties, convention or conventions, thereon."[2] He also had a separate power "to agree, treat, consult, and negotiate of and concerning all matters and causes of difference subsisting between the United States and his said Majesty, relative to the instructions of his said Majesty, or of any of the tribunals or authorities of his said Majesty, to his ships of war and privateers, of whatsoever date, as well as of and concerning restitution or compensation in the cases of capture or seizure made of the property of the citizens of the United States by the said ships of war and privateers, and retribution for the injuries received therefrom by any citizen of the United States; and to conclude and sign a treaty or treaties, convention or conventions, touching the premises."[3]

Pinckney arrived in Madrid on the 28th of June, 1795.[4] Short, who was there as chargé, had written the Government that the moment was opportune for concluding a Treaty. Pinckney was met at the outset by a proposal for "a triple" alliance between France, Spain, and ourselves, which he declined.[5] He also declined to guarantee the Spanish possessions in America.[6] By the 10th of August the parties began to put their ideas on paper. The first projét for a Treaty came from Spain, and was handed Pinckney by the Prince of Peace before the 23d of September.[7] On the 27th of October the parties signed a Treaty, which has formed the basis of the relations between Spain and the United States from that day to this.

[1] 3 Jefferson's Works, 591. [2] 1 F. R. F., 533. [3] Ib., 534. [4] Ib. [5] Ib., 535. [6] Ib. [7] Ib., 540.

It defined the southern boundary of the United States in accordance with the definitions in the Treaty with Great Britain. It conceded the navigation of the Mississippi, and gave us a right of deposit and storage for our produce at New Orleans. It embodied many of the leading commercial provisions of the previous Treaties with France or Prussia. And a provision was made for a commission "to terminate all differences on account of the losses sustained by the citizens of the United States, in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty during the late war between Spain and France."[1] A copy of this Treaty was sent to Congress by President Washington on the 29th of March, 1796,[2] and an act was passed to carry it into effect.[3] Though transmitted in the midst of the debate on "Jay's Treaty," it was considered and acted on without more than a casual allusion to it in that debate, and without discussion on its own merits.

The provisions of this Treaty respecting limits and the withdrawal of garrisons had not been carried out when Louisiana was acquired by the United States,[4] and meanwhile disputes had arisen in consequence of the arbitrary order discontinuing the right to deposit and store American produce at New Orleans, and reclamations were made upon Spain for losses suffered from this cause, and also for maritime spoliations before the Peace of Amiens.

The House of Representatives on the 17th of December, 1802, called for "such papers as are in the possession of the Department of State, as relate to the violation on the part of Spain of the Treaty of Friendship, Limits, and Navigation, between the United States of America and the King of Spain."[5] The President complied with this on the 22d of the same month.[6]

On the following January President Jefferson submitted to the Senate a treaty, which had been concluded at Madrid, for the settlement of a portion of these claims.[7] A class of spoliations by French vessels, which Spain contended were properly chargeable to France, were excluded from the operation of this Treaty. This induced the Senate to defer consenting to its ratification. At first they rejected it, but immediately reconsidered the vote, and resolved to postpone its consideration.[8] At the next session the Senate gave its assent;[9] but meanwhile Louisiana had been acquired, and Congress, in extending the customs laws over the ceded territories, had enacted that the President be authorized, "whenever he shall deem it expedient, to erect the shores, waters, and inlets of the bay and river of Mobile * into a separate district."[10]

Robert Livingston and Monroe had written from Paris to the Secretary of State shortly after the cession: "We are happy to have it in our power to assure you that, on a thorough examination of the subject, we consider it incontrovertible that West Florida is comprised in the cession of Louisiana."[11] This provision of the statute was intended to enable the President to assert a claim of jurisdiction conformable to their views of the rights of the United States.

Spain objected at first to the Treaty of 1803,[12] but finally withdrew her objection, and New Orleans and the post west of the Mississippi were given up.[13] But when the act authorizing the establishment of a customs

[1] Art. 21, 1 F. R. F., 549. [2] Annals 1st Sess. 4th Cong., 821. [3] 1 St. at L., 459; see also 2 St. at L., 314. [4] 2 F. R. F., 20–27, 66–77. [5] Annals 2d Sess. 7th Cong., 281. [6] Ib., 920; 2 F. R. F., 469. [7] 2 F. R. F., 475. [8] Annals 2d Sess. 7th Cong., 270. [9] For further documents relating to it see 2 F. R. F., 595. [10] 2 St. at L., 254. [11] 2 F. R. F., 564. [12] Ib., 569. [13] Ib., 583.

district at Mobile became known in Madrid, the King refused to ratify the Treaty of 1802, unless the objectionable act was either repealed or modified by a declaration that it was not intended to question the sovereignty of Spain over the bay of Mobile.

Monroe was sent from London to Madrid on a special mission, and conducted the negotiations jointly with Pinckney.

A long correspondence ensued, in the course of which each party referred to Talleyrand for his understanding of the extent of the cession. Talleyrand said: "Spain retroceded to France the territory only which she had received from her. The rights of France have been since passed to the United States, and it was only with the same extent that she had acquired them. * * His Majesty having no pretensions but to the territory situated to the west of the Mississippi, and of the river Iberville, * * he did not cede any other to the United States." This statement was not accepted by the American Government. The negotiations were closed without result on the 15th of May, 1805. The American negotiators said: "We perceive, with regret, that the propositions which we had the honor to make to His Catholic Majesty, on the part of our Government, on the 12th inst., for the adjustment of the several points depending between the United States and Spain, have been absolutely rejected."[2] Monroe's passport was then given him, and he took his leave.

The Supreme Court was afterwards asked to reverse this decision of the political department of the Government respecting the limits of the cession, and declined to consider the question.[3]

In the year 1808, "direct and official relations" between Spain and the United States were broken off.[4] It soon became desirable that the United States should assert their title to West Florida by occupation, and in a proclamation dated October 27, 1810, President Madison, after setting forth the reasons which induced the act, directed possession to be taken of the territory south of the Mississippi territory, and eastward of the River Mississippi, and extending to the River Perdido.[5]

This occupation continued and was in existence when diplomatic relations were resumed after the wars of Napoleon; but before the resumption, the Spanish-American wars of independence had broken out.

The colonists sympathy with this movement in different parts of the United States, and the aid which was surreptitiously afforded from some places in violation of law, and in spite of the vigilance of the Government, induced reclamations on the part of Spain in 1815, when diplomatic relations were resumed. Monroe, then Secretary of State, replied by re-asserting the reclamations of the United States, and by re-opening the question of limits and boundaries, which the parties had been unable to adjust at Madrid.[6] "A long correspondence ensued, conducted partly in Madrid and partly in Washington, and extending over into the next succeeding year." It resulted in the Treaty of 1819. But, only two months before this was signed, the suspended Treaty of 1802, having been ratified by Spain, was proclaimed by the President.[7] An act had been passed in 1804 to carry this Treaty into effect, which became operative for the two months only.[8]

The Spanish ratification was withheld from the Treaty of 1819, as it had been from the Convention of 1802. They required "as the condition of the ratification of the Treaty, that the United States should abandon the steps to recognize the revolutionary colonies in South

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[1] 4 W. R., 464. [2] Ib., 467. [3] Foster et al., Newman, 7 Peters, 324. [4] 4 W. R., 467. [5] Stat. at L., 748. [6] 4 W. R., 464–468. [7] Ib., 467. [8] Stat. at L., 251.

America, or to form other relations with them."[1] In this emergency "the Governments of France and Russia * expressed an earnest desire that the United States would take no steps, for the present, on the principle of reprisal, which might possibly tend to disturb the peace between the United States and Spain."[2]

The President was enabled, on the 13th of February, 1821, to communicate the ratification by Spain to the Senate.[3] The time for the exchange of ratifications had expired, but the Senate resolved to consent to and advise the President to ratify it,[4] and the ratifications were exchanged on the 22d of February, 1821. For correspondence on this subject, see vol. 4 Fol. Ed. For. Rel., pp. 650–703.

This Treaty gave the Floridas to the United States, and gave the Sabine as the western boundary of Louisiana; it contained a mutual renunciation of claims, and the United States undertook to satisfy the claims of their own citizens to the extent of five millions of dollars.

On the 3d of March, 1821, an act was approved authorizing the President to take possession of Florida, and establishing a commission for the proof of the claims named in the 11th article,[5] and on the 24th of May, 1824, an act was approved authorizing the creation of a stock to meet the awards.[6] It turned out that the sum named in the Treaty, $5,000,000, was not enough to pay all the awards.[7] The records and papers of the commission, after the awards were made, were deposited in the Department of State. Attorney-General Taney held that they ought not to be given up to claimants.[8]

General Jackson took possession of the ceded country, and as Governor of the Floridas, he issued an ordinance for carrying out the provisions of the 6th article, relating to the admission of the inhabitants of the ceded territory to all the privileges, rights, and immunities of citizens of the United States.[9]

On the 3d of March, 1823, Congress passed an act to carry into effect the 9th article of this Treaty.[10] The Judges of the Superior Courts, established at Pensacola and St. Augustine, were authorized to adjust the amounts of the claims referred to in that article, and the Secretary of the Treasury was empowered to pay the respective amounts adjudged. The attempts made to extend the operation of this article are shown in the contemporaneous documents.[11]

It has been held by several Attorneys-General, and may now be regarded as settled, that the conclusions of the Superior Courts of Pensacola and St. Augustine are not binding upon the Secretary of the Treasury; but that they are subject to review by that officer.[12] The same series of opinions holds that the decisions of Mr. Woodbury, Secretary of the Treasury, and of his successors, that interest is not allowable on such claims, is to be regarded as decisive, and binding upon his and their successors. Mr. Fish referred the subject to Congress,[13] saying that "it is a practical necessity to await further legislation by Congress before any action can be taken."[14]

Attorney-General Cushing held that the extraordinary expenses of a person incurred in living in St. Mary's, whither he retired after the destruction of his property in Florida, are a matter too remotely consequential to be the proper subject for damages under this article.[15] Attorney-General Grundy held that under this article the United States

[1] Annals 1st Sess. 16th Cong., 679. [2] Ib., 1688. [3] 4 F. R. F., 650. [4] Ib., 703. [5] 3 St. at L., 637. [6] 4 Ib., 33. [7] 5 F. R. F., 798. [8] 2 Op. At.-Gen., 515. [9] Annals 1st Sess. 17th Cong., 2550. [10] 3 St. at L., 768. [11] 5 F. R. F., 829, and 6 Ib., 741. [12] 3 Op. At.-Gen., 677, Legaré; 4 Ib., 286, Nelson; 5 Ib., 333, Crittenden; 6 Ib., 533, Cushing. [13] H. M. Doc. 131, 2d Sess. 42d Cong. [14] Ib., 6. [15] 6 Op. At.-Gen., 530.

were bound to pay Spanish inhabitants of Florida the value of slaves carried away or killed by troops of the United States shortly prior to the conclusion of the Treaty.[1]

The aggressions on the commerce of the United States in the wars between Spain and her revolted colonies continued to give rise to claims against that Power. The nature of these claims is described by Mr. Van Buren in his instructions of October 2, 1829, to Mr. Van Ness, the Minister to Madrid.[2] He instructed Van Ness to secure either the payment of a gross sum in full satisfaction, or the appointment of a mixed Commission. The negotiations extended through a period of between three and four years. At first Spain declined to recognize liability, but after the death of Ferdinand it was agreed that Spain was liable, and that the United States should receive in full satisfaction twelve millions of rials vellon, in inscriptions, the interest at five per cent., to be payable in Paris.[3] This agreement was carried out in the Convention of 1834.

When the bill to carry this Treaty into effect came before the House, Mr. Cushing said "that he desired to avail himself of this occasion to express his strong sense of the justice and honor exhibited by the Government of Spain, in the Treaty of which this bill was the consummation. In the midst of national calamities, which she met with her characteristic fortitude, with a deadly civil war raging in her bosom, and weighed down with financial embarrassments, Spain has acknowledged and satisfied the claims of our citizens, in a spirit of manly promptitude and frankness, strikingly contrasted with the conduct of some other European powers in similar matters."[4] The act was passed June 7, 1836,[5] and its operation was afterwards extended for a limited time.[6]

The long continuance of the internal condition described by Mr. Cushing, caused a suspension of payments due under this Treaty. In his message to Congress of December 7, 1841, President Tyler said, "The failure on the part of Spain to pay, with punctuality, the interest due under the Convention of 1834, for the settlement of claims between the two countries, has made it the duty of the Executive to call the particular attention of that Government to the subject. A disposition has been manifested by it, which is believed to be entirely sincere, to fulfil its obligations in this respect, so soon as its internal condition and the state of its finances will permit."[7]

"Mr. Buchanan, when Secretary of State, agreed to receive an annual payment of $30,000 at Havana in full of the interest of the principle provided for by the Convention, less fifteen hundred dollars for what was called prompt payment. * When the payment of 1862 was about to be made, the question arose whether it should be demanded in coin, or whether we were bound by the act of Congress of the 25th of February, 1862, to accept the same in current money of the United States. The latter alternative was reluctantly acceded to."[8]

Many and delicate questions arose between the United States and Spain during the years that elapsed between the Treaty of 1834 and the outbreak of the insurrection in Cuba in 1868; questions which taxed the skill and forbearance of statesmen on both sides. But they did not concern the construction or the operation of existing Treaties between the two Powers.

In contending with this insurrection, the Government of Spain conceived it necessary to issue decrees suspending the right of alienating

[1] 3 Op. At.-Gen., 391. [2] S. E. Doc. 147, 2d Sess. 23d Cong., 3-12. [3] Ib., 90-92. [4] 12 Debates, 2681. [5] 5 St. at L., 34. [6] Ib., 179. [7] Globe, 2d Sess. 27th Cong., 5. [8] Seward to Gray, Oct. 7, 1864, MS. Dept. of State.

property, and embargoing the property of some citizens of the United States, who were suspected of being connected with the insurgents. Mr. Fish called attention to the fact that the enforcement of such decrees against citizens of the United States and their properties might be regarded as violations of the 7th article of the Treaty of 1795. As had been foreseen, many complaints arose, which, on the 9th of June, 1870, Mr. Fish brought to the attention of the Spanish Minister in Washington, saying, "It appears to the President that the sweeping decrees of April, 1869, have been put in operation against the properties of the citizens of the United States, in violation of the Treaty agreement that such property should not be subject to embargo or detention for any public or private purpose whatever. * It is understood that the citizens of the United States whose properties have been thus forcibly taken from them have not been allowed to employ such advocates, solicitors, notaries, agents, and factors as they might judge proper; on the contrary, as this Government has been informed, their properties have been taken from them without notice, and advocates, solicitors, notaries, agents, or factors have not been allowed to interpose in their behalf. * * The undersigned has also received representations from several citizens of the United States, complaining of arbitrary arrest, and of close incarceration without permission to communicate with their friends, or with advocates, solicitors, notaries, agents, and factors, as they might judge proper. * In some cases, also, such arrests have been followed by military trial, without the opportunity of access to advocates or solicitors, or of communication with witnesses, and without those personal rights and legal protections which the accused should have enjoyed. * * What has been already done in this respect is unhappily past recall, and leaves to the United States a claim against Spain for the amount of the injuries that their citizens have suffered by reason of these several violations of the Treaty of 1795."[1]

The subject was referred to Madrid, where, after some correspondence, the agreement of February 12, 1871, was concluded.

Under this agreement the United States presented a claim, on behalf of a person who had declared his intention to become a citizen, but had not yet become one. The Spanish agent objected that it did not come within the scope of the Treaty. The two national commissioners being unable to agree upon this question, it was referred to the umpire, Baron Lederer, by whom it was decided adversely to the United States.

[The commission under the agreement organized May 31, 1871 and there were 130 claims presented for consideration amounting to $29,946,183.32. Awards were given in favor of 35 claims amounting to $1,293,450.55. A diplomatic arrangement was entered into February 23, 1881 by which it was agreed that all claims should be presented within sixty days from that date, but gave the arbitrators authority to extend the time thirty days if found to be necessary and the commission was to decide all claims within one year from the 12th day of May 1881. The Protocol of May 6, with its subsequent amendment of December 14, 1882 provided for the termination of the labors of the arbitrators December 27, 1882, and those of the Umpire were to terminate January 1, 1883.

An extradition convention was concluded January 5, 1877 which was amended by the one of August 7 1882.

The question of trials of citizens of the United States by military tribunals has given rise to many and vexatious questions; the government of the United States insisting that, under the treaty of 1795,

[1] S. E. Doc. 108, 2d Sess. 41st Cong., 240-241.

and under general rules common to all civilized nations, the proceedings of Spanish military tribunals in Cuba could not be upheld. These questions it is hoped were put at rest by the protocol signed at Madrid January 12, 1877 which provides that no citizen of the United States residing in the possessions of Spain shall be tried by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

Under the treaty of 1795, stipulating that free ships shall make free goods, the want of such a sea-letter or passport, or such certificates as are described in the seventeenth article, is not a substantive ground of condemnation. It only authorizes capture and sending in for adjudication, and the proprietary interest in the ship may be proved by other equivalent testimony. But if, upon the original evidence, the cause appears extremely doubtfull and suspicious, and further proof is necessary, the grant or denial of it rests on the same general rules which govern the discretion of prize-courts in other cases.[1]

The terms "subjects," in the fifteenth article of the treaty, when applied to persons owing allegiance to Spain, must be construed in the same sense as the term "citizen," or "inhabitants" when applied to persons owing allegiance to the United States, and extends to all persons domiciled in the Spanish dominions.[2]

The Spanish character of the ship being ascertained, the proprietary interest of the cargo cannot be inquired into, unless so far as to ascertain that it does not belong to citizens of the United States whose property engaged in trade with the enemy is not protected by the treaty.[3]

A stipulation between the United States and Spain for the restoration of property obtained by piracy and by captures in violation of neutrality was held not to apply to a capture of a Spanish vessel and cargo, made by a privateer commissioned by the Province of Cartagena, while it had an organized government, and was at war with Spain. "The treaty with Spain can have no bearing upon the case," said the court, "as this court cannot recognize such captors as pirates, and the capture was not made within our jurisdictional limits. In those two cases only does the treaty enjoin restitution."[4]

The seventeenth article of the treaty of 1795, so far as it purports to give any effect to passports, is imperfect and inoperative, in consequence of the omission to annex the form of passport to the treaty.[4]

By the treaty of 1795, free ships make free goods, but the form of the passport, by which the freedom of the ship was to have been conclusively established, never having been duly annexed to the treaty, the proprietary interest of the ship is to be proved according to the ordinary rules of the prize-court, and if thus shown to be Spanish, will protect the cargo on board, to whomsoever the latter may belong.[4]

The treaty of 1795 does not contain, expressed or implied, a stipulation that enemy's ships shall make enemy's goods.[5]

That treaty prohibits an American citizen from taking a commission to cruise against Spanish vessels in a privateer, but not in a public armed vessel of a belligerent nature.[6]

To entitle a Spanish owner, under the treaty with that power, to entire restitution free of salvage, of his property captured as prize of war, by a professed enemy, and rescued, it is incumbent on the party to produce *prima facie* proof that the captors were pirates and robbers.[7]

[[1] The Pizarro, 2. Wheaton. 227. [2] Ib. [3] The Nuestra Senora de la Caridad, 4 Wheaton, 497. [4] The Amiable Isabella, 6 Wheaton, 1; The Amistad, 15 Peters, 521. [5] The Nereide, Bennet, Master, 9 Cranch, 388. [6] The Santissima Trinidad, 7 Wheaton, 283. [7] Le Tigre, 3 Washington's Circuit Court Reports, 567. See The Maria Josepha, 2 Wheeler's Criminal Cases, 600.]

If the capture were made by a neutral, it would be *prima facie* piratical, unless she were shown to have been regularly commissioned; if the captor were, in fact, an enemy, the capture would be legal whether she were commissioned or not.[1]

In the case of the Amistad the 6th and 9th article of the Spanish treaty of 1795 came in question. It was held that the negroes were kidnapped Africans, not slaves, or "property." The language of the treaty with Spain of 1795, requires the proprietor "to make due and sufficient proof" of his property; and that proof cannot be deemed either due or sufficient, which is stained with fraud.[2]

Supposing the African negroes on board the Amistad not to be slaves, but kidnapped, and free negroes, the treaty with Spain cannot be obligatory upon them; and the United States are bound to respect their rights, as much as those of Spanish subjects. The treaty with Spain never could have been intended to take away the equal rights of all foreigners who should assert their claims to equal justice before the courts of the United States, or to deprive such foreigners of the protection given to them by other treaties, or by the general laws of nations.[3]

The court cited the rule from Vattel that even if a treaty in its terms were such as to oblige us to violate towards strangers the immutable laws of justice, it would impose no obligation. The law of nature and the law of nations bind us as effectually to render justice to the African, as the treaty can to the Spaniard.

In an opinion given in 1839, Mr. Grundy held that the case of the Amistad was within the 9th article of the treaty with Spain of 27 Oct., 1795, and advised that the vessel and cargo be restored to the owners, as far as practicable, entire.[4]

Under the Florida treaty the United States did not succeed to those rights which the King of Spain had held by virtue of his royal prerogative, but possessed the territory subject to the institutions and laws of our own government.[5]

The treaty of 1795 was not a cession of territory by Spain to the United States, but the recognition of a boundary line, and an admission, by Spain, that all the territory on the American side of the line was originally within the United States.[6]

The Spanish treaty of Oct. 27, 1795, established a disputed boundary; there was no cession of territory. The jurisdiction exercised by Spain over the country north of the 31st degree of north latitude was not claimed or occupied by force of arms, against an adversary power; but it was a naked possession, under a misapprehension of right. In such a case, Georgia, within whose sovereignty the country was situated, was not bound to recognize the grants or other evidence of title by the Spanish government.[7]

Under the treaty of the 27th of October, 1795, between the United States and Spain, it was agreed that the line which was described in the preliminary articles of peace between the United States and Great Britain, on the 30th of November, 1782, as their southern boundary, should be the line which divides their territory from East and West Florida. It was accordingly held that Spanish grants made after the preliminary articles of 1782, within the territory east of the Mississippi, and north of a line drawn from that river, at the 31st degree of north

[1 Le Tigre, 3 Washington's Circuit Court Reports, 567. See The Maria Josepha, 2 Wheeler's Criminal Cases, 600. 2 U. S. *v.* The Amistad, 15 Peters, 518. 3 Ib. 4 3 Op. At.-Gen., 484. 5 Pollard's Lessee *v.* Hagan, 3 Howard, 212. 6 Ib. 7 Robinson *v.* Minor, 10 Howard, 627.]

latitude, east to the middle of the River Appalachicola, had no intrinsic validity, and the holders must depend for their titles exclusively on the laws of the United States.[1]

By the treaty of St. Ildefonso, made on the first of October, 1800, Spain ceded Louisiana to France; and France, by the treaty of Paris, signed the 30th of April, 1803, ceded it to the United States. Under this treaty the United States claimed the countries between the Iberville and the Perdido. Spain contended that her cession to France comprehended only that territory, which, at the time of the cession, was denominated Louisiana, consisting of the Island of New Orleans and the country which had been originally ceded to her by France west of the Mississippi. The land claimed by the plaintiffs in error, under a grant from the Crown of Spain, made after the treaty of St. Ildefonso, lies within the disputed territory; and this case presents the question, to whom did the country between the Iberville and Perdido belong after the treaty of St. Ildefonso? Had France and Spain agreed upon the boundaries of the retroceded territory before Louisiana was acquired by the United States, that agreement would undoubtedly have ascertained its limits. But the declarations of France, made after parting with the province, cannot be admitted as conclusion. In questions of this character, political considerations have too much influence over the conduct of nations to permit their declarations to decide the course of an independent government, in a matter vitally interesting to itself.[2]

If a Spanish grantee had obtained possession of the land in dispute, so as to be the defendant, would a court of the United States maintain his title under a Spanish grant, made subsequent to the acquisition of Louisiana, singly on the principle that the Spanish construction of the treaty of St. Ildefonso was right, and the American construction wrong? Such a decision would subvert those principles which govern the relations between the legislation and judicial departments, and mark the limits of each.[3]

The sound construction of the 8th article of the treaty of 1819 will not enable the court to apply its provisions to the case of the plaintiff.[4]

The article does not declare that all the grants made by His Catholic Majesty before the 24th of January, 1818, shall be valid to the same extent as if the ceded territories had remained under his dominion. It does not say that those grants are hereby confirmed. Had such been its language, it would have acted directly on the subject, and it would have repealed those acts of Congress which were repugnant to it; but its language is that those grants shall be ratified and confirmed to the persons in possession, &c. By whom shall they be ratified and confirmed? This seems to be the language of contract; and if it is, the ratification and confirmation which are promised must be the act of the legislature. Until such acts shall be passed, the court is not at liberty to disregard the existing laws on the subject. The article did not, *proprio vigore*, confirm Spanish grants; it was reserved for Congress to execute its provisions.[5]

By the 8th article, the lands theretofore completely granted by the King were excepted out of the grant to the United States. The original of that treaty, in the Spanish language, not corresponding precisely with the original in English, the language of the former is to be taken

[1 Henderson *v.* Poindexter's Lessee, 12 Wheaton, 530. 2 Foster et al. *v.* Neilson, 2 Peters, 306. 3 Ib., 309. 4 Ib., 314. 5 Foster *v.* Neilson, 2 Peters, 253. See Garcia *v.* Lee, 12 Peters, 511; Keene *v.* Whitaker, 14 Peters, 170; Chouteau *v.* Eckhart, 2 Howard, 344; United States *v.* King, 3 Howard, 773; United States *v.* Reynes, 9 Howard, 127; United States *v.* Philadelphia, 11 Howard, 609; United States *v.* Turner, Ib., 663.]

as expressing the intent of the grantor as to the lands granted and reserved.[1]

The words "in possession of the lands," in the same article do not require actual occupancy; they are satisfied by that constructive possession which is attributed by the law to legal ownership.[2]

A condition to settle two hundred families on the land granted, was held to be a condition subsequent, and performance excused in equity, by circumstances and change of jurisdiction.[3]

An inquisition having been taken under the Spanish authorities, by which it was found that the Indians had previously abandoned the lands granted, this was held to be *res judicata*.[4]

Spain, in ceding Florida to the United States only ceded so much thereof *as belonged to her*, and hence did not cede any of the territory lying between the Perdido and the Mississippi river, which the United States claimed by the treaty of 1803 with France, ceding Louisiana.[5]

Consequently the 8th article of the treaty of 1819, confirming all Spanish grants in the ceded territory, did not embrace grants made in the above territory after Spain ceded Louisiana to France by the treaty of St. Ildefonso, in 1801.[6]

The 8th article, providing that "all the grants of land made before the 24th of January, 1818, by his catholic majesty, or his lawful authorities, in the said territories ceded by his majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of his catholic majesty," was "apparently introduced on the part of Spain, and must be intended to stipulate expresly for that security to private property which the laws and usages of nations would, without express stipulation, have conferred."[7]

By the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded territories should be protected in the free enjoyment of their property. The United States, as a just nation, regard this stipulation as the avowal of a principle which would have been held equally sacred, although it had not been inserted in the treaty.[8]

The term property, as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contract; those which are executory, as well as those which are executed. In this respect, the relation of the inhabitants of Louisiana to their government is not changed. The new government takes the place of that which has passed away.[9]

The stipulations of the treaty ceding Louisiana to the United States, affording that protection or security to claims under the French or Spanish government to which the act of Congress refers, are in the first, second, and third articles. They extended to all property, until Louisiana became a member of the Union; into which the inhabitants were to be incorporated as soon as possible, "and admitted to all the rights, advantages, and immunities of citizens of the United States." The perfect inviolability and security of property is among these rights.[10]

The right of property is protected and secured by the treaty, and no principle is better settled in this country than that an inchoate title to

[1 United States *v.* Arredondo, 6 Peters, 691; United States *v.* Percheman, 7 Peters, 51; Garcia *v.* Lee, 12 Peters, 511; Keene *v.* Whitaker, 14 Peters, 170; United States *v.* Reynes, 9 Howard, 127; United States *v.* Philadelphia, 11 Howard, 609; United States *v.* Wiggins 14 Peters, 334; Lessee of Pollard's heirs *v.* Kibber 14 Peters, 353. [2 Ib. [3 Ib. [4 Ib. [5 U. S. *v.* Lynde, 11 Wallace, 652. [6 Ib. [7 U. S. *v.* Percheman, 7 Peters, 88. Same principle in U. S. *v.* Clarke, 8 Peters, 436. [8 Soulard *et al. v.* the United States, 4 Peters, 511. [9 Ib. [10 Delassus *v.* The United States, 9 Peters, 117.]

land is property. This right would have been sacred, independent of the treaty. The sovereign who acquires an inhabited country, acquires full dominion over it; but this dominion is never supposed to divest the vested rights of individuals to property. The language of the treaty ceding Louisiana excludes any idea of interfering with private property.[1]

In the ratification, by the King of Spain, of the treaty by which Florida was ceded to the United States, it was admitted that certain grants of land in Florida, amongst which was one to the Duke of Alagon, were annulled and declared void. Whether or not the King of Spain had power, according to the constitution of Spain, to annul this grant, is a political and not a judicial question, into which the courts will not inqure. The treaty speaks for itself.[2]

By the law of nations, the inhabitants, citizens, or subjects of a conquered or ceded country, territory, or province, retain all the rights of property which have not been taken from them by the orders of the conquerer; and this is the rule by which we must test its efficacy according to the act of Congress, which we must consider as of binding authority.[3]

A treaty of cession is a deed or grant by one sovereign to another, which transferred nothing to which he had no right of property; and only such right as he owned, and could convey to the grantee. By the treaty with Spain the United States acquired no lands in Florida to which any person had lawfully obtained such right, by a perfect or inchoate title, that the court could consider it as property under the second article, or which had, according to the stipulations of the 8th article of the treaty, been granted by the lawful authorities of the King; which words *grants* or *concessions* were to be construed in their broadest sense, so as to comprehend all lawful acts which operated to transfer a right of property, perfect or imperfect.

The effect of the clauses of confirmation of grants made was that they confirm them presently on the ratification of the treaty, to those in *possession* of the lands, which was declared to be; that legal seisin and possession which follows a title, is co-extensive with the right, and continues till it is ousted by an actual adverse possession, as contradistinguished from residence and occupation.[4]

The United States, by accepting the cession under the terms of the 8th article, and the ratification of the King, with an exception of the three annulled grants to Allegon, Punon Rostro, and Vargas, can make no other exceptions of grants made by the lawful authorities of the king.

The meaning of the words *lawful authorities* in the 8th article, or *competent authorities* in the ratification, must be taken to be "by those persons who exercised the granting power by the authority of the crown." The 8th article expressly recognizes the existence of these lawful authorities in the ceded Territories, designating the governor or intendent, as the case might be, as invested with such authority: which is to be deemed competent till the contrary is made to appear.

By "the laws of Spain" is to be understood the will of the King, expressed in his orders, or by his authority, evidenced by the acts themselves; or by such usage and customs in the province as may be presumed to have emanated from the King, or to have been sanctioned by him, as existing authorized local laws.[5]

[1 Delassus *v.* The United States, 9 Peters, 117. 2 Doe *et al. v.* Braden, 16 Howard, 635. 3 Mitchell *v.* U. S., 9 Peters, 711. 4 Ib. 5 Mitchell *v.* U. S., 9 Peters, 711, concurring as to *lawful authorities* or *competent authorities*. Smith *v.* U. S., 10 Peters, 326.]

After the acquisition of Florida by the United States, in virtue of the treaty with Spain of 22d of February, 1819, various acts of Congress were passed for the adjustment of private land claims within the ceded territory. The tribunals authorized to decide on them were not authorized to settle any which exceeded a league square; on those exceeding that quantity they were directed to report, especially, their opinion for the future action of Congress. The lands embraced in the larger claims were defined by surveys and plats retained. These were reserved from sale, and remained unsettled until some resolution should be adopted for a final adjudication of them, which was done by the passage of the law of the 22d May, 1828. By the sixth section it was provided "that all claims to land within the Territory of Florida, embraced by the treaty, which shall not be finally decided and settled under the provisions of the same law, containing a greater quantity of land than the commissioners were authorized to decide, and above the amount confirmed by the act, and which have not been reported as antedated or forged, shall be received and adjudicated by the judges of the superior court of the district in which the land lies, upon the petition of the claimant, according to the forms, rules and regulations, conditions, restrictions, and regulations prescribed to the district judges, and to the claimants, by the act of 26th May, 1824." By a proviso, all claims annulled by the treaty, and all claims not presented to the commissioners, &c., according to the acts of Congress, were excluded.[1]

By the 8th article of the treaty of cession of Florida the same time is allowed to the owners of land granted under the authority of Spain, to fulfill the conditions of their grants, after the date of the treaty, as was limited in the grants. It has been decided by the court, in the case of Arredondo, that as to individual rights the treaty is to be considered as dated at its ratification.

In was also decided in Arredondo's case, that the provision of the treaty as to the performance of the conditions in grants, was not confined to owners of land by occupancy or residence; but extends to persons who have a legal seizin and possession, in virtue of a grant; and that, in the situation of the province, and the claimants to land at the time of the cession, it was enough that they should show a performance of the conditions *cy pres*.[2]

The validity of concessions of land by the authorities of Spain in East Florida, is expressly recognized in the Florida treaty, and in the several acts of Congress.[3]

The act of the 8th of May, 1822, requires every person claiming title to lands under any patent, grant, concession, or order of survey dated previous to the 24th of January, 1818, to file his claim before the commissioners appointed in pursuance of that act. All the subsequent acts on the subject observe the same language; and the titles held under the concessions have been uniformly confirmed where the tract did not exceed a league square.[4]

A claim to lands in East Florida, the title to which was derived from grants by the Creek and Seminole Indians, ratified by the local authorities of Spain before the cession of Florida by Spain to the United States, was confirmed. It was objected to the title claimed in this case, which had been presented to the superior court of Middle Florida, under the provisions of the acts of Congress for the settlement of land-claims in Florida, that the grantees did not acquire, under the Indian grants, a legal title to the land: *Held*, That the acts of Congress sub-

[1] United States *v.* Arredondo *et al.*, 6 Peters, 706. [2] U. S. *v.* Sibbald, 10 Peters, 313.]
[3] United States *v.* Clarke, 9 Peters, 168. [4] Ib.]

mit these claims to the adjudication of this court as a court of equity; and those acts as often and uniformly construed in its repeated decisions, confer the same jurisdiction over imperfect, inchoate, and inceptive titles, as legal and perfect ones, and require the court to decide by the same rules on all claims submitted to it, whether legal or equitable.[1]

Under the Florida treaty, grants of lands made before the 24th January, 1818, by His Catholic Majesty, or by his lawful authorities, stand ratified and confirmed to the same extent that the same grants would have been valid, if Florida had remained under the dominion of Spain; and the owners of conditional grants, who have been prevented from fulfilling all the conditions of their grants, have time by the treaty extended to them to complete such conditions. That time, as was declared by the Supreme Court in Arredondo's case, 6 Peters, 478, began to run in regard to individual rights from the ratification of the treaty; and the treaty declares if the conditions are not complied with within the terms limited in the grant, that the grants shall be null and void.[2]

No claim for land can be sustained under a grant, or confirmation of a prior grant made by a decree of the Spanish Governor of Florida, in 1819, as the same was substantially a violation of the treaty with Spain, which confirms only grants made before January 24, 1818.[3]

In the case of a grant made before the 24 of January, 1818, it is valid, although the survey was not made until after that day, provided the survey was made before the exchange of flags.[4]

The treaty with Spain, by which Florida was ceded to the United States, is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of the citizens of the United States. They do not, however, participate in political power; they do not share in the Government until Florida shall have become a state. In the mean time, Florida continues to be a Territory of the United States, governed by virtue of that clause in the constitution which empowers "Congress to made all needful rules and regulations respecting the territory or other property belonging to the United States."[5]

The object of the treaty with Spain, which ceded Florida to the United States, was to invest the commissioners with full power and authority to receive, examine, and decide upon the amount and validity of asserted claims upon Spain for damages and injuries. Their decision, within the scope of this authority, is conclusive and final, and is not re-examinable. The parties must abide by it as a decree of a competent tribunal of exclusive jurisdiction. A rejected claim can not be brought again under review, in any judicial tribunal. But it does not naturally follow that this authority extends to adjust all conflicting rights of different citizens to the fund so awarded. The commissioners are to look to the original claim for damages and injuries against Spain itself; and it is wholly immaterial who is the legal or equitable owner of the claim, provided he is an American citizen.[6]

After the validity and amount of the claim has been ascertained by the award of the commissioners, the rights of the claimant to the fund, which has passed into his hands and those of others, are left to the or-

[[1] Mitchell et al *v.* The United States, 9 Peters, 711. [2] United States *v.* Kingsley, 12 Peters, 476. [3] O'Hara *v.* United States, 15 Peters, 275; United States *v.* Clarke, 8 Peters, 454, cited in United States *v.* Delespine, 15 Peters, 319. See also United States *v.* Hanson, 16 Peters, 196; United States *v.* Breward; Ib., 143; United States *v.* Miranda; Ib., 153. [4] United States *v.* Acosta, 1 Howard, 24. [5] American Ins. Co., *v.* Three hundred and fifty-six bales of cotton, 1 Peters, 542. [6] Comegys *et al* *v.* Vasse 1 Peters, 212; S. C., 4 Washington's Circuit Court Report, 570.]

dinary course of judicial proceedings in the established courts of justice.[1]

The treaty with Spain recognized an existing right in the aggrieved parties to compensation; and did not, in the most remote decree, turn upon the notion of donation or gratuity. It was demanded by our government as matter of right, and as such was granted by Spain.[2]

The right to compensation from Spain, held under abandonment made to underwriters, and accepted by them for damages and injuries, which were to be satisfied under the treaty by the United States, passed to the assignees of the bankrupt, who held such rights by the provisions of the bankrupt law of the United States, passed April 4, 1800,[3] as to claims under the treaty ceding Florida.[4]

The king of Spain was the grantor in the Florida treaty; the treaty was his deed; the exception was made by him; and its nature and effect depended on his intentions, expressed by his words in reference to the thing granted, and the thing reserved and excepted in the grant. The Spanish version was in his words, and expressed his intention; and although the American version showed the intention to be different, the Supreme Court can not adopt it as as rule to decide what was granted, what excepted, and what reserved.[5]

Even in cases of conquest it is very unusual for the conqueror to do more than to displace the sovereign, and assume dominion over the country. The modern usage of nations, which has become law, would be violated; that sense of justice and of right, which is acknowledged and felt by the whole civilized world, would be outraged, if private property should be generally confiscated, and private rights annulled, on a change in the sovereignty of the country by the Florida treaty. The people change their allegiance, their relation to their ancient sovereign is dissolved, but their relations to each other, and their rights of property remain undisturbed. Had Florida changed its sovereign by an act containing no stipulation respecting the property of individuals, the right of property in all those who became subjects or citizens of the new government would have been unaffected by the change. It would have remained the same as under the ancient sovereign.[6]

The language of the second article of the treaty between the United States and Spain, of 22d February, 1819, by which Florida was ceded to the United States, conforms to this general principle.[7]

The eighth article of the treaty must be intended to stipulate expressly for the security to private property, which the laws and usages of nations would, without express stipulations, have conferred. No construction which would impair that security, further than its positive words require, would seem to be admissible. Without it, the titles of individuals would remain as valid under the new government as they were under the old. And those titles, so far at least as they were consummated, might be asserted in the courts of the United States, independently of this article.[8]

The treaty was drawn up in the Spanish as well as in the English language. Both are original, and were unquestionably intended by the parties to be identical. The Spanish has been translated; and it is now understood that the article expressed in that language is, that "the grants shall remain ratified and confirmed to the persons in possession of them, to the same extent," &c., thus conforming exactly to the universally received law of nations.[9]

[[1] Comegys *et al v.* Vasse, 1 Peters 212. [2] Ib., 217. [3] Ib. [4] See Meade *v.* 9 Wallace, 691. [5] United States *v.* Arredondo *et al.*, 6 Peters, 741. [6] United States *v.* Percheman, 7 Peters, 51. [7] Ib. [8] Ib. [9] Ib.]

If the English and Spanish part can, without violence, be made to agree, that construction which establishes this conformity ought to prevail.[1]

No violence is done to the language of the treaty by a construction which conforms the English and Spanish to each other. Although the words, "shall be ratified and confirmed," are properly words of contract, stipulating for some future legislation, they are not necessarily so. They may import that "they shall be ratified and confirmed" by force of the instrument itself. When it is observed that in the counterpart of the same treaty, executed at the same time, by the same parties, they are used in this sense, the construction is proper, if not unavoidable.[2]

In the case of Foster v. Neilson, 2 Peters, 253, the Supreme Court considered those words importing a contract. The Spanish part of the treaty was not then brought into view, and it was then supposed there was no variance between them. It was not supposed that there was even a formal difference of expression in the same instrument, drawn up in the language of each party. Had this circumstance been known, it is believed it would have produced the construction which is now given to the article.[3]

By the treaty of 1819, lands heretofore *completely* granted by the King were excepted out of the grant to the United States[4]

The words of that treaty do not require actual occupancy; they are satisfied by that constructive possession which is attributed by the law to legal ownership[5]

The title to land which had been *granted* by the King of Spain was confirmed by force of the instrument itself.[6]

By the treaty of cession, the United States obtained no rights to lands, except such as were then vested in the King of Spain.[7]

The obligation of perfecting titles under Spanish concessions, assumed by the United States in the Louisiana treaty, was a political obligation, to be carried out by the legislative department.[8]

Congress, in confirming or rejecting claims, acted as the successor of the intendant general, and both exercised in this respect a portion of sovereign power.[9]

Under the ninth article of the treaty of 1819, providing for the restoration of property rescued from pirates and robbers on the high seas, it is necessary to show—

(1) That what is claimed falls within the description of vessels or merchandise.

(2) That it has been rescued on the high seas from pirates and robbers.

(3) That the asserted proprietors are the true proprietors, and have established their title by competent proof.[10]

Native Africans, unlawfully kidnapped, and imported into a Spanish colony, contrary to the laws of Spain, are not merchandise; nor can any person show that he is entitled to them as their proprietor; nor are they pirates or robbers if they rise and kill the master, and take possession of the vessel to regain their liberty.[11]

Native Africans unlawfully detained on board a Spanish vessel are not bound by a treaty between the United States and Spain, but may,

[1 United States *v.* Percheman, 7 Peters, 51. [2] Ib. [3] Ib. [4] United States *v.* Arredondo, 6 Peters, 691; United States *v.* Percheman, 7 Peters, 51; Garcia *v.* Lee, 12 Peters, 511; Keene *v.* Whitaker, 14 Peters, 170; United States *v.* Reynes, 9 Howard, 127; United States *v.* Philadelphia, 11 Howard, 609. [5] Ib. [6] United States *v.* Percheman, 7 Peters, 51; United States *v.* Clarke, 9 Peters, 168; Mitchell *v.* United States, Ib., 711; Smith *v.* United States, 10 Peters, 326; Garcia *v.* Lee, 12 Peters, 511. [7] Strother *v.* Lucas, 12 Peters, 411; United States *v.* Kingsley, Ib., 476. [8] Chouteau *v.* Eckhart, 2 Howard, 344. [9] Ib. [10] United States *v.* the Amistad, 15 Peters, 518; S. C. 1 Hazard's U. S. Register, 177, 244. [11] Ib.]

as foreigners to both countries, assert their rights to their liberty before our courts.[1]

By the 11th article of the treaty with Spain of 1819, the Department of State was made the depository of the records referred to in that article; and the Secretary of State cannot deliver them to claimants, and a law of Congress authorizing the delivery would be a violation of the treaty.[2]]

Spanish land tithes.

Louisiana.—Spanish grants in Louisiana were valid, if made according to law, between November 3, 1762, and Oct. 1, 1800. The requirements of law are considered in the following cases, as collected in Brightly's Digest: Strother *v.* Lucas, 12 Peters, 411; United States *v.* Delespine, 15 Peters, 319; Le Bois *v.* Bramell, 4 Howard, 449; Bissell *v.* Penrose, 8 Howard, 317; Lecompte *v.* U. S., 11 Howard, 115; United States *v.* Power's Heirs, Ib., 570; U. S. *v.* Moore, 12 Howard., 209; U. S. *v.* Simon, Ib., 433.[3]

Florida.—The titles to lands which had been granted by the King of Spain were confirmed by the force of the Treaty of 1819 for the cession of Florida.[4] If the title was granted upon condition, the concession became absolute on the performance of the condition,[5] but if the condition was not performed and no good excuse shown for the non-performance, then the grant was invalid.[6] Brightly's Digest (p. 534) enumerates the cases in which concessions of land by the governors of East Florida have never been confirmed.

SWEDEN.

The Treaty of April 3, 1783, was concluded with Sweden by Dr. Franklin as American Plenipotentiary, on the request of that Power. On the 12th of August, 1782, he writes from Passy to Robert Livingston: "All ranks of this nation appear to be in good humor with us, and our reputation rises throughout Europe. I understand from the Swedish Ambassador that their Treaty with us will go on as soon as ours with Holland is finished; our Treaty with France, with such improvements as that with Holland may suggest, being intended as the basis."[7] On the 17th of December he writes: "The Swedish Ambassador has exchanged full powers with me. I send a copy of his herewith. We have had some conferences on the proposed plan of our Treaty, and he has dispatched a courier for further instructions respecting some of the articles."[8]

On the 7th of March, 1783, he writes Livingston: "I can only send you a line to acquaint you that I have concluded the Treaty with Sweden, which was signed on Wednesday last. * * It differs very little from the plan sent me; in nothing material."[9] The Treaty in fact bears date April 3, 1783.

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[1] United States *v.* the Amistad, 15 Peters, 518; S. C. 1 Hazard's U. S. Register, 177, 244. [2] 2 Op. At.-Gen., 515, Taney.] [3] 1 Brightly's Federal Digest, 532; see also S. Doc. 56, 2d Sess. 23d Cong. [4] United States *v.* Percheman, 7 Peters, 51; United States *v.* Clarke, 9 Peters, 168; Mitchell *v.* United States, Ib., 711, and other cases cited in Brightly's Digest, 533. [5] United States *v.* Clarke, 9 Peters, 168. [6] United States *v.* Mill's Heirs, 12 Peters, 215. [7] 2 D. C., 1776–'83, 359. [8] Ib., 405. [9] Ib., 418.

TREATIES.

[See "*France*," "*Great Britain*," "*Mexico*," "*Spain*."]

[By the law of nations, all treaties, as well those for cessions of territory as for other purposes, are binding upon the contracting parties, unless when otherwise provided in them, from the day they are signed. The ratification of them relates back to the time of signing.[1]

Under the treaty between the United States and Great Britain of June 5, 1854, the President cannot issue his proclamation giving effect to the treaty as to Canada alone in anticipation of the action of New Brunswick, Nova Scotia, and Prince Edward's Island; nor until he shall have received evidence, not only of the action of those Provinces, but also of the Imperial Parliament.[2]

In many treaties there are provisions which require preliminary things to be done before those provisions can have their full execution. The treaty binds the good faith of each Government to endeavor to have the requisite preliminary things done, and so far, in regard even to the provisions of imperfect or prospective execution, the treaty has full effect at once, by making the stipulations as to that point obligatory at once upon both Governments.[3]

The treaty of St. Ildefonso, between Spain and the French Republic, and that of Paris, between France and the United States, should be construed as binding on the parties thereto, from the respective dates of those treaties.[4]

Upon no plausible pretext could it be denied that the treaty of St. Ildefonso was obligatory upon Spain from the period of her acceptance of the provision made for the Duke of Parma, in pursuance of that treaty, viz: On the 21st of March, 1801, or from the date at which she ordered the surrender of the Province of Louisiana to France, viz: On the 15th of October, 1802.[5]

A treaty is primarily a compact between independent nations, and depends for the enforcement of its provisions on the honor and interest of the governments which are parties to it. If these fail, its infraction becomes the subject of international reclamation and negotiation, which may lead to war to enforce them. With this, the courts have nothing to do.[6]

But a treaty may also confer private rights on citizens or subjects of the contracting powers which are of a nature to be enforced in a court of justice, and which, in cases otherwise cognizable in such courts, furnish rules of decision. The constitution of the United States makes the treaty, while in force, a part of the supreme law of the land in all courts where such rights are to be tried.[7]

In this respect, so far as the provisions of a treaty can become the subject of judicial cognizance in the courts of the country, they are subject to such acts as Congress may pass for their enforcement, modification, or repeal.[8]

Where a treaty and an award thereunder are introduced into a case merely as a part of its history, as facts not disputed by either party, it does not come under the section of the Judiciary Act in relation to questions affecting the validity or construction of a treaty.[9]

[[1] Davis *v.* Concordia, 9 Howard, 280. [2] 6 Op. At.-Gen., 748, Cushing. [3] Ib. [4] U. S. *v.* Reynes, 9 Howard, 127. [5] Ib. [6] Head Money Cases, 112 U. S., 580. [7] Ib. [8] Ib. [9] Gill *v.* Oliver's Ex'rs, 11 Howard, 529.]

A treaty, constitutionally concluded and ratified, abrogates whatever law of any one of the States may be inconsistent therewith.[1]

A treaty made conformably to the constitution in substance and form repeals pre-existing conflicting Federal law.[2]

Not to observe a treaty is to violate a deliberate and express engagement, and afford good cause of war. When Congress takes upon itself to disregard the provisions of any foreign treaty it, of course, infringes the same, in the exercise of sovereign right, and voluntarily accepts the *casus belli*, as when, in 1798, it annulled the treaties between the United States and France. See act of July 7, 1798.[3]

Under the constitution, treaties, as well as statutes are the law of the land; both the one and the other, when not inconsistent with the constitution, standing upon the same level and being of equal force and validity; and, as is the case of all laws emanating from an equal authority, the earlier in date yields to the latter.[4]

A treaty, when proclaimed, is so far forth the law of the land, to be respected as such, although, as in the case of many laws of a merely municipal character, some of the provisions thereof may be contingent or executory only.[5]

This applies to the treaty of 5 June, 1854, between the United States and Great Britain.

A treaty is in its nature a contract between two nations, not a legislative act. It does not generally effect, of itself, the object to be accomplished, especially so far as its operation is infra-territorial, but is carried into execution by the sovereign power of the respective parties to the instrument.

"In the United States, a different principle is established. Our constitution declares a treaty to be the law of the land. It is, consequently to be regarded in courts of justice as equivalent to an act of the legislature, whenever it operates of itself without the aid of any legislative provision. But when the terms of the stipulation import a contract, when either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial department; and the legislature must execute the contract before it can become a rule for the court."[6]

"But we are not inclined to admit the doctrine urged at the bar, that treaties become extinguished, *ipso facto*, by war between the two governments, unless they should be revived by an express or implied renewal on the return of peace. * * * There may be treaties of such a nature, as to their object and import, as that war will put an end to them; but where treaties contemplate a permanent arrangement of territorial and other national rights, or which, in their terms, are meant to provide for the event of an intervening war, it would be against every principle of just interpretation to hold them extinguished by the event of war. If such were the law, even the treaty of 1783, so far as it fixed our limits, and acknowledged our independence, would be gone, and we should have had again to struggle for both upon original revolutionary principles."[7]

We think, therefore, that treaties stipulating for permanent rights, and general arrangements, and professing to aim at perpetuity, and to deal with the case of war as well as of peace, do not cease on the occurrence of war, but are at most only suspended while it lasts; and unless

[[1] 6 Op. At.-Gen., 291, Cushing. [2] Ib. [3] Ib., 658, Cushing. [4] 13 Op. At.-Gen., 354, Akerman. [5] 6 Op. At.-Gen., 748, Cushing. [6] Foster *v.* Neilson, 2 Peters, 314. [7] Society for the Propagation of the Gospel *v.* New Haven, 8 Wheaton, 464.]

they are waived by the parties, or new and repugnant stipulations are made, they revive in their operation at the return of peace.[1]

The termination of a treaty by war does not divest rights of property already vested under it.[2]

A treaty was concluded and signed between the United States and the Swiss Confederation in 1850, but ratifications were not exchanged until Nov. 8, 1855. Mr. Justice Davis delivered the opinion of the court, as follows: "It is undoubtedly true, as a principle of international laws, that, as respects the rights of either government under it, a treaty is considered as concluded and binding from the date of its signature. In this regard the exchange of ratifications has a retroactive affect, confirming the treaty from its date. But a different rule prevails where the treaty operates on individual rights. The principle of relation does not apply to rights of this character, which were vested before the treaty was ratified. In so far as it affects them, it is not considered as concluded until there is an exchange of ratifications, and this we understand to have been decided by the court, in Arredondo's case, reported in 6th Peters. The reason of the rule is apparent. In this country, a treaty is something more than a contract, for the Federal Constitution declares it to be the law of the land. If so, before it can become a law, the Senate, in whom rests the authority to ratify it, must agree to it. But the Senate are not required to adopt or reject it as a whole, but may modify or amend it, as was done with the treaty under consideration. As the individual citizen, on whose rights of property it operates, has no means of knowing anything of it while before the Senate, it would be wrong in principle to hold him bound by it, as the law of the land, until it was ratified and proclaimed. And to construe the law, so as to make the ratification of the treaty relate back to its signing, thereby divesting a title already vested, would be manifestly unjust, and can not be sanctioned."[3]

Where one of the parties to a treaty, at the time of its ratification annexes a written declaration explaining ambiguous language in the instrument or adding a new and distinct stipulation, and the treaty is afterwards ratified by the other party with the declaration attached to it, and the ratifications duly exchanged,—the declaration thus annexed is a part of the treaty and as binding and obligatory as if it were inserted in the body of the instrument. The intention of the parties is to be gathered from the whole instrument, as it stood when the ratifications were exchanged.[4]

Where a case involves the construction of a treaty, the court heard a third argument on the application of the executive government of the United States.[5]

The construction of a treaty is drawn in question when the inquiry is whether, under the laws of a State, such a title existed as the treaty protects, although the only difficulty of that inquiry consists in the interpretation of the State laws and their application to the case.[6]

Where the question is whether a title is protected by a treaty, the Supreme Court has power to determine upon the validity of the title.[7]

The treaty of 1819 with Spain "was drawn up in the Spanish as well as in the English language. Both are originals, and were unquestionably intended by the parties to be identical. The Spanish has been translated, and we now understand that the article, as expressed in that

[[1] Society for the Propogation of the Gospel *v.* New Haven, 8 Wheaton, 465. [2] Ib. [3] Haver *v.* Yaker, 9 Wallace, 32. [4] Doe et al. *v.* Braden, 16 Howard, 635. [5] The Amiable Isabella, 6 Wheaton, 1. [6] Smith *v.* The State of Maryland, 6 Cranch, 286. [7] Martin *v.* Hunter's Lessee, 1 Wheaton, 304.]

language, is, that the grants 'shall remain ratified and confirmed to the persons in possession of them, to the same extent,' &c.,—thus conforming exactly to the universally received doctrine of the law of nations. If the English and the Spanish parts can, without violence be made to agree, that construction which established this conformity ought to prevail. * * * No violence is done to the language of the treaty by a construction which conforms the English and Spanish to each other. Although the words 'shall be ratified and confirmed' are properly the words of contract, stipulation, for some future legislative act, they are not necessarily so. They may import that they 'shall be ratified and confirmed' by force of the instrument itself. When we observe that in the counterpart of the same treaty, executed at the same time by the same parties, they are used in this sense, we think the construction proper, if not unavoidable."

"In the case of Foster v. Elam (Neilson), 2 Peters, 253, this court considered these words as importing contract. The Spanish part of the treaty was not then brought to our view, and we then supposed that there was no variance between them. We did not suppose that there was even a formal difference of expression in the same instrument, drawn up in the language of each party. Had this circumstance been known, we believe it would have produced the construction which we now give to the article." Several acts were passed by Congress creating commissions to investigate claims in Florida, the last being that of May 26, 1830. The findings of the commissioners under this act were not conclusive till acted on by Congress; and the confirmation by Congress of claims that were reported by the commissioners as valid, was not equivalent to Congressional rejection of those rejected by the commissioners. "It is apparent," said the court, "that no claim was finally acted upon until it had been acted upon by Congress; and it is equally apparent that the action of congress on the report containing this claim, is confined to the confirmation of those titles which were recommended for confirmation. Congress has not passed on those which were rejected. They were, of consequence, expressly submitted to the court."[1]

If a decree of condemnation by the circuit court was rightful when pronounced, but by reason of a subsequent treaty the claimant has since become entitled to restitution, this court on appeal must order it.

Condemnation, subject to an appeal, is not final, and so not definitive, within the meaning of the treaty with France of the 21st of December, 1801.[2]]

VENEZUELA.

The Treaty of January 20, 1836, was terminated pursuant to notice of a decree of the President of Venezuela, which was communicated to the Secretary of State by the Secretary of Foreign Affairs of Venezuela, in compliance with the Treaty, in the following language: "The undersigned, Secretary of State for the Department of Foreign Relations of the Republic of Venezuela, has the honor to inform the Hon. Secretary of State and Foreign Relations of the Government of the United States, that the period stipulated for the duration of the Treaty of Peace, Amity, Navigation, and Commerce, concluded on the 20th of January, 1836, ratified by the United States and by Venezuela, respectively, on the 20th of April, and 25th of May, of the same year, and of

[1 U. S. *v.* Percheman, 7 Peters, 94. 2 U. S. *v.* Schooner *Peggy*, 1 Cranch, 103.]

which the ratifications were exchanged in this city on the 31st of the last-named month, has expired on the 31st of May of the year last past, and the undersigned has received orders and instructions from the President of this Republic to notify the Government of the United States, as required by the 34th article, 1st section, of the said Treaty, that from and after the date of the receipt of this notice will begin the period of one year, at the end of which the Treaty will cease to have effect in all that relates to Commerce and Navigation. His Excellency the President has published the order which causes this communication, and has expressed his will that the Treaty should cease, in a decree issued on the 4th of the last month, of which the undersigned Secretary has the honor of sending herewith a certified copy."[1]

Mr. Clayton, the Secretary of State, responded on the 5th of January, 1850, as follows: "The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note addressed to this Department by His Excellency the Minister of Foreign Affairs of the Republic of Venezuela, under date the 5th of November last, accompanied by a copy of a Decree of the President of that Republic, and expressing a wish that the existing Treaty between the United States and Venezuela, in all those parts relative to commerce and navigation, should terminate within a year from the receipt of that note, conformably to the tenth paragraph of the thirty-fourth article of the Treaty. The note referred to having been received at this Department on the third instant, the stipulations of the Treaty to which it applies will consequently cease to be binding on either government on and after the third of January next."[1]

In 1859 a claims convention was made for the settlement of what were known as the Aves Island claims. For the correspondence respecting these claims, see Senate Ex. Doc. 25, 3d Session 34th Congress. The last payment was made by Venezuela on the 12th of September, 1864, to "H. S. Sanford, attorney-in-fact for the creditors," who "acknowledged to have received from the government of Venezuela through the General Credit and Finance Company of London, full satisfaction of the dues under the convention made at Valencia on the 14th January, 1859, between the United States and the republic of Venezuela, and known as the Aves Convention," and "in behalf of the creditors under said convention relinquished all claims upon the government of Venezuela in virtue of the same, or of the convention of 5th June, 1863, hypothecating for its benefit the export dues of certain ports of Venezuela."[1]

The Treaty of Amity, Commerce, Navigation, and Extradition, of 1860, was terminated by notice from the Minister of Venezuela, as follows: "The Congress of the United States of Venezuela passed, on the 18th of May last, a law directing the Executive to notify nations with which Venezuela had treaties whose term had expired of such expiration. This is the case with regard to the Treaty of Friendship, Commerce, Navigation, and Extradition, made August 27, 1860, for a term of eight years, counting from the time of the exchange of ratifications, which has expired by reason of the said exchanges having taken place at Caracas, August 9, 1861.

"In accordance, therefore, with the provisions of the law, I have the honor to make, by the present communication, and in the name of my Government, the notification provided for in respect to the said Treaty, in order that the due effect may be reached, and that the compact may

[1] MS. Dept. of State.

cease to be obligatory in one year after the making of this declaration, as was agreed in article 31st of the same."[1]

To this Mr. Fish replied: I have the honor to acknowledge the receipt of your communication of the 22d instant, by which, pursuant to instructions received from your Government, you give the official notification to the United States of the intention of Venezuela, as stipulated in the 31st article of the Convention of 1860 between the United States and Venezuela, to arrest the operations of said Convention twelve months from the date of said notification."[1]

The Commissioners provided for by the claims convention of 1866 were duly appointed, and after examination made awards against Venezuela to a large amount. When the day of payment came, Venezuela charged that the proceedings had been so irregular as to vitiate some of the awards. The United States suspended proceedings and asked for specific statements and proof. After a delay of over a year Venezuela replied to the demand. The reply was laid before Congress. Congress did not act at that session, but a subsequent Congress enacted, February 25, 1873, "that the adjudication of claims by the Convention with Venezuela of April twenty-fifth, eighteen hundred and sixty-six, * * is hereby recognized as final and conclusive, and to be held as valid and subsisting against the Republic of Venezuela."[2]

[This statute, sometimes known as the "Finality act," was subsequently repealed by an act approved June 20, 1878,[3] as the result of a prolonged examination by Congress of allegations of corruption against the members of the Carácas mixed Commission, and the matter thus reverted to the competence of the Executive. Being again brought by the President before Congress, that body, by a joint resolution approved March 3, 1883,[4] and in response to the President's solicitation of its advisory action requested the President "to open diplomatic correspondence with the Government of Venezuela with a view to the revival of the general stipulations of the treaty of April 25, 1866, and the appointment thereunder of a new Commission," to consider all the evidence before the former Commission, and such new evidence as might be adduced, with power to make new awards, to the payment of which the moneys already paid by Venezuela and remaining in the hands of the United States Government, should be applied.

The contemplated proposal was made by Mr. Frelinghuysen to Mr. Soteldo, the Venezuelan Minister, June 11, 1884,[5] but without satisfactory result, and the President again consulted Congress in the matter. The 48th Congress adjourned without having taken joint action on the conflicting reports of the Senate and House Foreign committees. The Executive thereupon resumed its plenary discretion in the premises, and the negotiation with Venezuela was successfully revived, a convention being signed at Washington by Mr. Bayard and Mr. Soteldo, December 5, 1885, providing for a new mixed commission to hear all claims which were proper to be brought under the convention of 1866 and to make awards thereon in substitution of those of the Carácas commission. This convention was advised and consented to by the United States Senate, with amendments which have been concurred in by the Venezuelan Senate. Owing, however, to circumstances which it is unnecessary here to detail, the ratifications of this treaty have not yet been exchanged, and the time therefor has been twice extended by supplementary conventions, the first of which has received the advice

[1] MS. Dept. of State. [2] 17 St. at L., 477. See S. E. Doc. 5, 1st Sess. 41st Cong.; S. M. Doc. 162, 2d Sess. 41st Cong.; H. E. Doc. 176, 2d Sess. 41st Cong.; H. R. 79, Ib. [3] 20 St. at L., 241. [4] 22 St. at L., 643. [5] S. E. Doc. 52, 2d Sess., 48th Cong.]

and consent of the Senate of the United States and of the Congress of Venezuela. The second supplementary convention has been approved by the Senate of the United States, and at the time of preparing these notes for the press is awaiting the approval of the Venezuelan Congress.]

VESSELS.

[A merchant vessel, except under some treaty stipulation otherwise providing, has no exemption from the territorial jurisdiction of the harbor in which the same is lying.

The right "to sit as judges and arbitrators in such differences as may arise between the captains and crews" given to consuls, vice-consuls, etc., by article 13 of the treaty with Sweden and Norway of 1827, is limited to the determination or arbitrament of disputes and controversies of a civil nature, and does not extend to the cognizance of offences.

If the conduct of the captains or of the crews, where differences arise between them, is such as to "disturb the order or tranquillity of the country, (which includes all acts, as against each other, amounting to actual breaches of the public peace,) the right of the local authorities to interfere, in the exercise of their police and jurisdictional functions, is reserved in said article.

Semble that a more enlarged jurisdiction is conferred upon consuls in some other treaties, as *e. g.*, in the treaty with France of February 23, 1853, in the treaty with the German Empire of December 11, 1871 and in the treaty with Italy of February 8, 1868.[1]]

WURTTEMBERG.

"By a statute of Louisiana, it is provided that 'each and every person not being domiciliated in this State, and not being a citizen of any other State or Territory in the Union, who shall be entitled, whether as heir, legatee, or donee, to the whole or any part of the succession of a person deceased, whether such person shall have died in this State or elsewhere, shall pay a tax of ten per cent. on all sums, or on the value of all property, which he may have actually received from such succesion, or so much thereof as is situated in this State, after deducting all debts due by the succession.'"

It was claimed that this statute was in contravention of the third article of the Treaty of 1844 with Württemberg when applied to the case of a native of Württemberg, naturalized in the United States and residing and dying in New Orleans, leaving legatees who resided in Württemberg; but the Supreme Court of the United States held that the Treaty "does not regulate the testamentary disposition of the citizens or subjects of the contracting powers in reference to property within the country of their origin or citizenship. The case of a citizen or subject of the respective countries residing at home, and disposing of property there in favor of a citizen or subject of the other, was not in the contemplation of the contracting powers, and is not embraced in this article of the treaty."[2]

[1] 15 Op. At.-Gen., 178; Taft. See Wildenhus' case, 120 U. S., 1. [2] Frederickson *v.* Louisiana, 23 Howard, 445.

The Consul-General of Württemberg, under instructions from his government, complained of the taxes which were levied in conformity with this decision, and "suggested a modification of the Treaty such as would hereafter preclude construction of its provisions prejudicial to His Majesty's subjects."[1]

Mr. Seward answered that he saw no objection to entering into negotiations for that purpose, and asked whether Mr. Bierwith held a power from his government to conclude a Treaty.[2]

Mr. Bierwith did not: and instead of receiving such a power he was instructed "to obtain from the Government of the United States, in a form binding on the Supreme Court, a declaration of the meaning of article 3 of the Treaty such as will oblige the Court to abandon its idea concerning the force of the Treaty."[3]

To this latter proposal Mr. Fish replied, (referring to the decision of the Supreme Court:) "To this decision, until removed by the same high authority, the President is bound by the Constitution to submit; nor can he, by any declaration, or by anything short of a modification of the Treaty itself, (made with the advice and consent of the Senate,) such as was originally suggested by you, and assented to by my predecessor, meet the views of His Majesty's government."[4]

[A treaty of naturalization was concluded at Stuttgart on the 27th of July, 1868 and at the same time a protocol explanatory of the 1st, 2nd, and 4th articles of the treaty was signed by the plenipotentiaries.

The 6th article of the treaty provided that it should be ratified by the King, with the consent of the Chambers and by the President, with the advice and consent of the Senate, and the ratifications should be exchanged within twelve months from the date thereof.

The treaty and protocol arrived in the United States after the adjournment of the Senate. They were submitted to that body at its next session and on the 12th of April 1869 a resolution was adopted giving its advice and consent to the ratification of the treaty, but the resolution is silent as to the protocol. Six days afterwards the treaty was ratified by the President but the act of ratification following the words of the resolution of the Senate, is also silent as to the protocol.

The exchange copy was duly prepared and forwarded to Berlin but there is no evidence that the protocol accompanied it.

The treaty arrived at Berlin on the 15th of July 1869 during the absence of the King and Minister of Foreign Affairs from the Kingdom. The King was in Switzerland at St Maurice in the Engadine where on the 26th of July he ratified the treaty and the protocol notwithstanding the sanction of Chambers had not been obtained.]

[1] Mr. Bierwith to Mr. Fish May 26, 1869, MS. Dept. of State. [2] Ib. [3] Ib. [4] Mr. Fish to Mr. Bierwith, June 7, 1869, MS. Dept. of State.

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consuls who are not citizens of the country in which they reside are exempt from all public service—Colombia (New Granada), 209; Denmark, 233; Peru, 1200; Salvador, 970.
provisions respecting exemption from arrest—Belgium, 80; Italy, 589; Netherlands, 770; Roumania, 926; Salvador, 970; Servia, 989.
consuls shall enjoy personal immunities—Austria, 32; France, 350; except that in France, if they are citizens thereof, or own property, or engage in commerce therein, they can only claim the immunities of commercial agents, 350.
they shall enjoy the privileges necessary for their functions, in respect of the deserters from the vessels, whether public or private, of their countries—Netherlands, 762; Sweden and Norway, 1063; but the said deserters may be prosecuted for violations of the laws of the country in which they reside—Sweden and Norway, 1063; Portugal, 895.
not being citizens of the country in which they reside they shall be exempted from imposts and contributions, except on account of the commerce and property to which citizens or inhabitants are subject—Bolivia, 99; Denmark, 233; Ecuador, 263; Germany, 364; Hayti, 560; Colombia (New Granada), 203; Peru, 1200; Salvador, 967.
if they are citizens of the state which appoints them, and do not own real estate nor engage in business they are to be exempt from all taxation—Austria, 32.
if they are citizens of the state which appoints them, and do not own real estate, nor have capital invested, nor pursue a profession or business, they are to be exempt from all taxation—Belgium, 80; Italy, 589; Roumania, 926; Servia, 989; except customs, octroi, and excise duties—Netherlands, 770.
their official income is not subject to taxation—Germany, 364.
they may establish a chancery—Salvador, 969.
their persons and dwellings are to be subject to the laws of the country, except as specially exempted by treaty—Colombia (New Granada), 210.
if they are in business, they are to be subject to the laws of the country—Dominican Republic, 252; Hawaiian Islands, 543-4; Orange Free State, 795; Portugal, 894; Prussia, 919; Russia, 935; Swiss Confederation, 1075; but in such case can be detained only for commercial debts—Austria, 32.
if they are citizens of the country in which they reside, they are to continue subject to its laws—Dominican Republic, 252.
they are to be independent of the state in which they reside in what concerns their functions—Colombia (New Granada), 209; Salvador, 970.

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they may employ their good offices in favor of citizens of another country where there is no consul in that country—Colombia (New Granada), 209; Salvador, 970.
they are not required to appear in courts of justice as witnesses—France, 351; except for defense of persons charged with crime—Austria, 32; Belgium, 81; Italy, 589; Netherlands, 771; Roumania, 926; Salvador, 970; Servia, 989.
their testimony in other cases shall be taken at their dwellings—Austria, 32; Belgium, 81; Italy, 589; Netherlands, 770; Roumania, 926; Servia, 989.
they shall be invited in writing to appear in court, and, if unable to do so, their testimony may be requested in writing or taken at their dwellings—France, 354; Belgium, 81; Italy, 589; Netherlands, 770; Roumania, 926; Salvador, 970; Servia, 989.
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consular arms, name, flag, etc.—Austria, 32; Belgium, 81; Colombia (New Granada), 209; France, 351; Germany, 364; Italy, 589; Netherlands, 771; Roumania, 926; Servia, 989; Salvador, 970.
inviolability of consular archives—Austria, 33; Argentine Confederation, 21; Belgium, 81; Bolivia, 99; Colombia (New Granada), 209; Denmark, 234; Dominican Republic, 252; Ecuador, 263; France, 351; Germany, 364; Greece, 505; Hayti, 560; Italy, 589;, Netherlands, 771; Orange Free State, 796; Peru, 1200; Portugal, 894; Roumania, 927; Salvador, 970; Sweden and Norway, 1062; Servia, 990; Swiss Confederation, 1075.
inviolability of consular offices, etc.—Belgium, 81; France, 351; Bolivia, 99; Germany, 364; Italy, 589; Roumania, 927; Salvador, 970; Servia, 990.
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Arson.—Austria, 30; Baden, 41; Bavaria, 47; Belgium, 85; Bremen, 118; Dominican Republic, 253; Ecuador, 269; France, 348; Great Britain, 437; Hawaiian Islands, 545; Hayti, 561; Italy, 579; Japan, 626; Luxemburg, 635; Mecklenburg-Schwerin, 569; Mecklenburg-Strelitz, 660; Mexico, 699; Netherlands, 776; Nicaragua, 787; North German Union, 791; Oldenburg, 793; Orange Free State, 796; Ottoman Porte, 822; Peru (obsolete), 889; Prussia, Saxony, Hesse, Hesse and by Rhine, Saxe-Weimar-Eisenach, Saxe-Meiningen, Saxe-Altenburg, Saxe-Coburg-Gotha, Brunswick, Anhalt-Dessau, Anhalt-Bernburg, Nassau, Schwarzburg-Rudolstadt, Schwarzburg-Sondershausen, Waldeck, Reuss elder branch, Reuss junior branch, Lippe, Hesse-Homburg, Frankfort, 921–22; Salvador, 956; Schaumburg-Lippe, 983; Spain, 1028; Sweden and Norway, 1,067; Swiss Confederation, 1076; Würtemberg, 1147.
assassination.—Belgium, 85; Dominican Republic, 253; Ecuador, 269; France, 348; Hayti, 561; Italy, 578; Luxemburg, 635; Mexico, 699; Netherlands, 775; Nicaragua, 787; Orange Free State, 796; Ottoman Porte, 822; Salvador, 955; Spain, 1028; Sweden and Norway, 1066; Swiss Confederation, 1076.
assault with intent to commit murder.—Austria, 30; Baden, 41; Bavaria, 47; Belgium, 85; Bremen, 118; Dominican Republic, 253; France, 348; Great Britain, 437; Hayti, 561; Italy, 578; Japan, 626; Luxemburg, 635; Mecklenburg-Schwerin, 659; Mecklenburg-Strelitz, 660; Mexico, 699; Netherlands, 775; North German Union, 791; Oldenburg, 793; Orange Free State, 796; Ottoman Porte, 822; Prussia and other states, 921–922; Salvador, 955; Sweden and Norway, 1066; Swiss Confederation, 1076; Spain, 1028.

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breaking and entering the house of another in the day or night time with intent to commit felony.—Japan, 626.
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counterfeiting bonds, bank-notes, seals, dies, stamps, etc.—Belgium, 86; Ecuador, 269; Italy, 579; Japan, 626; Netherlands, 776; Nicaragua, 787; Ottoman Porte, 822; Salvador, 956; Spain, 1028.
embezzlement of public money.—Austria, 30; Baden, 41; Bavaria, 47; Bremen, 118; Mecklenburg-Schwerin, 659; Mecklenburg-Strelitz, 660; Mexico, 699; North-German Union, 791; Nicaragua, 787; Oldenburg, 793; Prussia and other countries, 921–22; Schaumburg-Lippe, 983; Württemberg, 1147.
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infanticide.—Belgium, 85; Dominican Republic, 253; Ecuador, 269; France, 348; Hayti, 561; Italy, 578; Mexico, 699; Netherlands, 775; Nicaragua, 787; Orange Free State, 786; Ottoman Porte, 822; Salvador, 955; Spain, 1028; Sweden and Norway, 1066; Swiss Confederation, 1076.
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there shall be reciprocal freedom of commerce—Argentine Confederation, 18; Austria, 23; Belgium, 76; Bolivia, 91; Borneo, 102; Colombia (New Granada), 195; Costa Rica, 222; Denmark, 231; Dominican Republic, 245; Ecuador, 255; Great Britain, 410; Greece, 502; Hawaiian Islands, 540; Hayti, 552; Honduras, 566; Italy, 581; Liberia, 631; Mecklenburg-Schwerin, 653; Oldenburg, 792; Nicaragua, 779; Portugal, 891; Prussia, 916; Russia, 933; Peru, 1191; Tonga, 1206.
each party shall have free access to all the ports of the other which are open to foreign commerce—Argentine Confederation, 18; Austria, 23; Bolivia, 91; Colombia (New Granada), 195; Costa Rica, 222; Denmark, 231; Ecuador, 255; Great Britain, 410; Greece, 502; Honduras, 566; Italy, 581; Mecklenburg-Schwerin, 653; Oldenburg, 792; Muscat, 744; Nicaragua, 780; Portugal, 891; Peru, 1191; Prussia, 916; Russia, 933; Salvador, 958; Sweden and Norway, 1059.
whatever may be imported or exported in national vessels may be imported or exported in vessels of the other party—Austria, 24; Bolivia, 91; Colombia (New Granada), 196; Denmark, 232; Dominican Republic, 246; Ecuador 256; Greece, 503; Hanseatic Republics, 553; Hayti, 553; Italy, 582; Mecklenburg-Schwerin, 654; Oldenburg, 792; Portugal, 892; Prussia, 917; Russia, 934; Salvador, 958; Sweden and Norway, 1060.
articles the growth, produce, or manufacture of one party imported in its own vessels into the ports of the other party are subject to the same duties as if imported in vessels of the other party—Belgium, 77; China, 184; Costa Rica, 224; Austria, 24; Great Britain (as to British territories in Europe), 410; Mecklenburg-Schwerin, 654; Netherlands, 763; Oldenburg, 792; Hawaiian Islands, 541; Honduras, 568; Italy, 582; Nicaragua, 781; Peru, 1192; Portugal, 892; Prussia, 917; Russia, 934; Salvador, 958.

RECIPROCAL COMMERCIAL AGREEMENTS—Continued.
articles the growth, produce, or manufacture of one party exported to the territories of the other are to pay the same export duties and to be allowed the same drawbacks and bounties, whether exported in national vessels, or in vessels of the other party—Belgium, 77; Costa Rica, 224; Great Britain (as to the British territories in Europe), 410; Austria, 24; Mecklenburg-Schwerin, 654; Netherlands, 763; Oldenburg, 792; Hawaiian Islands, 541; Honduras, 568; Italy, 582; Nicaragua, 718; Peru, 1193; Portugal, 893; Prussia, 918; Russia, 934; Salvador, 958.
articles the growth, produce, or manufacture of the one party imported into the territories of the other, are to be subject to no other or higher duties than those imposed on like articles of any other foreign country—Austria, 24; Argentine Confederation, 19; Bolivia, 92; Belgium, 78; Colombia (New Granada), 196; Costa Rica, 223; Denmark, 232; Dominican Republic, 247; Ecuador, 256; Great Britain (as to British possessions in Europe), 410; Mecklenburg-Schwerin, 655; Oldenburg, 792; Hanseatic Republics, 534; Hawaiian Islands, 541; Hayti, 554; Honduras, 567; Italy, 582; Liberia, 632; Nicaragua, 780; Orange Free State, 796; Peru, 1191; Paraguay, 831; Portugal, 892; Prussia, 917; Russia, 935; Salvador, 959; Swiss Confederation, 1075; Tonga, 1206.
no higher duty or charge shall be imposed by one party on exports to the other than is imposed on exports of like articles to any other foreign country—Argentine Confederation, 19; Bolivia, 92; Belgium, 78; Colombia (New Granada), 196; Costa Rica, 223; Denmark, 232; Dominican Republic, 247; Ecuador, 257; Great Britain, 410; Mecklenburg-Schwerin, 655; Oldenburg, 792; Hanseatic Republics, 534; Hayti, 554; Honduras, 567; Italy, 582; Nicaragua, 780; Orange Free State, 796; Portugal, 892; Prussia, 918; Russia, 935; Salvador, 959; Swiss Confederation, 1075.
prohibition of exports or imports of articles the growth, produce, or manufacture of one party from or into the territories of the other party, shall extend to like articles of all other nations—Austria, 24; Argentine Confederation, 19; Bolivia, 92; Colombia (New Granada), 196; Costa Rica, 223; Denmark, 232; Dominican Republic, 247; Ecuador, 257; Great Britain, 410; Greece, 504; Mecklenburg-Schwerin, 655; Oldenburg, 792; Hanseatic Republics, 534; Hayti, 554; Honduras, 567; Italy, 582; Nicaragua, 780; Paraguay, 831; Portugal, 892; Prussia, 918; Russia, 935; Servia, 986; Salvador, 959; Sweden and Norway, 1061; Peru, 1192.
merchandise in vessels of one party is not to be prohibited in the ports of the other party—Liberia, 632.
preferences in government purchases shall not be given to articles imported in national vessels—Austria, 25; Greece, 504; Hanseatic Republics, 534; Mecklenburg-Schwerin, 654; Oldenburg, 792; Prussia, 918; Sweden and Norway, 1061.
the most favored nation principle is to be applied to merchandise imported or exported by citizens or subjects of either party into or from the territories of the other—Persia, 837; Swiss Confederation, 1075.
the produce of one country may be exported in vessels of the other on as favorable terms as in vessels of any foreign country—Liberia, 632.
if either party imposes discriminating duties upon the produce of a third power, the other party may determine the manner of establishing the origin of its products destined for the ports of the party imposing the duty—Dominican Republic, 247; Hayti, 554; Swiss Confederation, 1075.
vessels of either party, entering a port of the other and not wishing to unload, may depart without doing so—Greece, 504; Sweden and Norway, 1061.
are to be treated according to general rules relative to the subject—Sweden and Norway, 1061.
vessels of one party may discharge a portion of their cargo in a port of the other, paying duties only on the portion discharged—Belgium, 78; Bolivia, 91; Dominican Republic, 246; Greece, 505; Netherlands, 764; Peru, 1193; Sweden and Norway, 1061.
such vessels may proceed with the remainder of the cargo to another port of the same country—Bolivia, 91; Dominican Republic, 246; Netherlands, 764; Greece, 505; Italy, 583; Peru, 1193; Sweden and Norway, 1061.
but must pay the duties on the vessels themselves in the first port—Greece, 505; Sweden and Norway, 1061.
such vessels may also load at different points for the same outward voyage—Bolivia, 91; Netherlands, 764; Peru, 1193.
after vessels of one party are laden in the ports of the other they are not to be subjected to examination—Sweden, 1051.
import duties are not to be imposed upon certain goods carried in transit across the United States or Canada—Great Britain, 489.
protocol relative to same, 498.

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duties or charges on imports are to be the same, whether made in vessels of either party—Austria, 24; Belgium, 77; Bolivia, 91; China, 184; Denmark, 232; Dominican Republic, 246; Greece, 503; Hanseatic Republics, 533; Italy, 582; Liberia, 633; Netherlands, 761, 763 (as to colonies); Peru, 1192; Paraguay, 832; Portugal, 892; Prussia, 917; Russia, 934; Salvador, 958; Spain, 1039–40; Sweden and Norway, 1060.
such duties or charges are to be no other or higher than are imposed upon articles imported in vessels of the most favored nation—Hawaiian Islands, 541; Hayti, 553.
duties and charges on vessels of each party in the ports of the other are to be the same as on national vessels—Bolivia, 92; Denmark, 232; Dominican Republic, 246; Mecklenburg—Schwerin, 654; Oldenburg, 792; Hanseatic Republics, 533; Italy, 582; Liberia, 632; Madagascar, 644; Netherlands, 761; Paraguay, 831; Portugal, 892; Prussia, 917; Sweden and Norway, 1060.
such duties and charges shall be the same as those of the most favored nation—Hayti, 553; Bolivia, 92; Greece, 504.
no duties shall be imposed by either party on the navigation of the other higher or other than those imposed on every other navigation—Greece, 504.
vessels of each party in the ports of the other are to be exempted from re-admeasurement—Russia, 943; Denmark, 1186.
vessels of each party in the ports of the other party are to be on the same footing as national vessels with respect to dues, charges, or allowances in the following cases:
Anchorage.—Belgium, 76, 77.
Brokerage.—Belgium, 76, 77.
Buoys.—Belgium, 76, 77.
Clearance.—Belgium, 76, 77.
Drawbacks and bounties.—Argentine Confederation, 19; Austria, 24; Belgium, 77; Bolivia, 92; Colombia (New Granada), 196; Costa Rica, 224; Denmark, 232; Dominican Republic, 246; Ecuador, 256; Great Britain, 411; Greece, 504; Hanseatic Republics, 533; Hawaiian Islands, 541; Hayti, 553; Honduras, 568; Italy, 582; Mecklenburg-Schwerin, 651; Netherlands, 761, 763; Nicaragua, 781; Portugal, 893.
Harbor.—Argentine Confederation, 19; Costa Rica, 223; Hawaiian Islands, 541; Honduras, 567; Netherlands, 761, 763; Nicaragua, 780; Paraguay, 831; Peru, 1192; Tonga, 1206.
Light-house.—Argentine Confederation, 19; Austria, 23; Belgium, 76, 77; Costa Rica, 223; Greece, 503; Hawaiian Islands, 541; Honduras, 567; Netherlands, 761, 763; Nicaragua, 780; Paraguay, 831; Peru, 1192; Portugal, 893; Prussia, 917; Sweden and Norway, 1059.
Local charges.—Argentine Confederation, 19; Austria, 23; Belgium, 76, 77; Costa Rica, 223; Greece, 503; Honduras, 567; Nicaragua, 780; Paraguay, 831; Peru, 1192; Portugal, 893; Prussia, 917; Sweden and Norway, 1059.
Pilotage.—Argentine Confederation, 19; Austria, 23; Belgium, 76, 77; Costa Rica, 223; Greece, 503; Hawaiian Islands, 541; Honduras, 567; Netherlands, 761, 763; Nicaragua, 780; Paraguay, 831; Peru, 1192; Portugal, 893; Prussia, 917; Sweden and Norway, 1059; Tonga, 1206.
Port dues.—Austria, 23; Bolivia, 91; Dominican Republic, 246; Greece, 503; Netherlands, 761, 763; Portugal, 893; Prussia, 917; Sweden and Norway, 1059.
Quarantine.—Hawaiian Islands, 541; Netherlands, 761, 763; Peru, 1192; Tonga, 1206.
Salvage.—Argentine Confederation, 19; Costa Rica, 223; Germany, 368; Greece, 506; Honduras, 567; Mecklenburg-Schwerin, 654; Oldenburg, 792; Netherlands, 761, 763; Nicaragua, 780; Paraguay, 831; Peru, 1182; Prussia, 917; Tonga, 1206.
Tonnage.—Argentine Confederation, 19; Austria, 23; Belgium, 76, 77; Bolivia, 91; China, 184, 185; Colombia (New Granada), 196; Corea, 218; Costa Rica, 223; Dominican Republic, 246; Ecuador, 256; Greece, 504; Hanseatic Republics, 533; Hawaiian Islands, 541; Honduras, 567; Italy, 582; Liberia, 632; Mecklenburg-Schwerin, 654; Oldenburg, 792; Netherlands, 761, 663; Nicaragua, 780; Paraguay, 831; Peru, 1192; Portugal, 893; Prussia, 917; Russia, 933; Sweden and Norway, 1059.
Warehouse (to be confined to watch and storage).—Belgium, 78.
Wrecks.—Austria, 36; Argentine Confederation, 19; Belgium, 78; Bolivia, 93; Colombia (New Granada), 198; Dominican Republic, 247; Ecuador, 258; Germany, 368; Greece, 506; Hawaiian Islands, 544; Hayti, 555; Mecklenburg-Schwerin, 654; Oldenburg, 792; Peru, 1194; Spain, 1009; Salvador, 960; Sweden and Norway, 1063.
certain vessels are to be exempted from paying the following dues in the respective ports:
Anchorage.—Italy, 582.

RECIPROCAL COMMERCIAL AGREEMENTS—Continued.
Clearance.—Italy, 582.
Tonnage.—Italy, 582.
vessels of each party in the ports of the other are to be on the footing of the most favored nation in respect of the following dues or charges:
Light dues.—Russia, 934.
Local charges.—Russia, 934.
Pilotage.—Russia, 934.
Port dues.—Russia, 934.
Tonnage.—Hayti, 553; Sweden and Norway, 1061; special provisions as to quarantine, Greece, 506; Sweden and Norway, 1063.
goods, the productions of the soil, or industry of one country, imported in its own vessels into the other country for transit or re-exportation, shall not pay a discriminating duty—France 343; Belgium, 79.
salvage may be settled by arbitration when it can not be agreed upon—Liberia, 632.
salvage on recaptures where one of the powers is neutral—Prussia, 913.
privileges of transit are not to discriminate against the productions of either party—Greece, 504; Sweden and Norway, 1061.
how goods may pass in transit across the United States and Canada—Great Britain, 490.
vessels of the one country seeking shelter in the ports, rivers, bays, etc., of the other shall be treated with humanity, allowed to repair, and not be compelled unnecessarily to land cargo—Peru, 1193.
no duty shall be exacted on goods and merchandise from wrecked vessels, unless destined for consumption in the country—Austria, 36; Colombia (New Granada), 198; Ecuador, 258; Germany, 368; Hawaiian Islands, 544; Italy, 583; Salvador, 960.
no duty shall be exacted in such cases, provided the goods be exported—Mecklenburg Schwerin, 654; Oldenburg, 792; Peru, 1193.
no duty shall be exacted in such cases unless exacted on national vessels—Hayti, 555; Spain, 1009; Dominican Republic, 247.
no duty is to be exacted in such case—Bolivia, 93.
the property in such case is to be restored to the owners, if claimed within a year and a day—Sweden and Norway, 1063.
the property in such case is to be restored if claimed—Ottoman Porte, 800.
merchant vessels are not to be impressed as transports—Ottoman Porte, 800.
the routes of interior commerce in articles whose transit is allowed between the two countries may be established by mutual agreement—Belgium, 79.
RECIPROCAL PRIVILEGES OF CITIZENS OF EACH NATION WITHIN THE TERRITORIES OF THE OTHER: (See *Consuls, Naturalization, Personal Property, Real Estate, Tunis.*)
the citizens of each may reside in the territories of the other, remaining subject to the laws—Argentine Confederation, 18; Austria, 23; Bolivia, 91; Colombia (New Granada), 195; Costa Rica, 222; Denmark, 231; Dominican Republic, 245; Ecuador, 255; Greece, 502; Hawaiian Islands, 542; Hayti, 552; Honduras, 566; Italy, 581; Liberia, 631; Mecklenburg-Schwerin, 657; Oldenburg, 792; Nicaragua, 780; Peru, 1191; Portugal, 891; Prussia, 916; Russia, 933; Salvador, 958; Servia, 984; Sweden and Norway, 1059; Swiss Confederation, 1073; Tonga, 1205.
the citizens of each may reside in the territories of the other—Borneo, 102.
they may hire and occupy warehouses—Dominican Republic, 245; Hayti, 552; Swiss Confederation, 1073.
they may hire and occupy houses and warehouses—Argentine Confederation, 18; Bolivia, 91; Borneo, 102; Costa Rica, 222; Greece, 502; Hawaiian Islands, 542; Honduras, 566; Italy, 581; Mecklenburg-Schwerin, 657; Nicaragua, 780; Oldenburg, 792; Peru, 1191; Sweden and Norway, 1059.
and their dwellings shall be respected—Hawaiian Islands, 543; Bolivia, 91; Peru, 1191.
they may rent, occupy, and improve lands and erect dwellings, offices, and warehouses thereon—Tonga, 1205.
they may engage in commerce and trade—Argentine Confederation, 18; Bolivia, 91; Borneo, 102; Colombia (New Granada), 195; Costa Rica, 222; Denmark, 231; Dominican Republic, 245; Ecuador, 255; Greece, 502; Hanseatic Republics, 535; Hayti, 552; Honduras, 568; Italy, 581; Liberia, 631; Mecklenburg-Schwerin, 657; Muscat, 744; Nicaragua, 780; Oldenburg, 792; Paraguay, 831; Peru, 1191, 1192; Salvador, 958; Tunis, 1097; Serbia, 984; Tonga, 1205.
when so trading or residing are to be subject to pay no greater taxes, duties, or charges than citizens of the most favored nations—Bolivia, 93; Borneo, 102; Hawaiian Islands, 543; Ottoman Porte, 793; Persia, 837; Serbia, 984; Salvador, 959.
when so trading and residing they shall pay the same taxes and imposts as natives—Peru, 1192; Tonga, 1207.

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and shall enjoy all the privileges of citizens of the most favored nations—Bolivia, 93; Borneo, 102; China, 181; Colombia (New Granada), 197; Hanseatic Republics, 535; Hawaiian Islands, 542; Persia, 837; Serbia, 984; Salvador, 958; Tripoli, 1082, 1086; Tunis, 1097; Tonga, 1205.
shall enjoy all the rights of natives—Argentine Confederation, 20; Belgium, 76; Bolivia, 93; Colombia (New Granada), 197; Denmark, 231; Ecuador, 256; Hanseatic Republics, 535; Hawaiian Islands, 542; Honduras, 568; Italy, 581; Ottoman Porte, 803 (as to warehousing, bounties, facilities, and drawbacks); Paraguay, 833; Portugal, 891; Prussia, 917; Russia, 933; Salvador, 958, 965; Serbia, 984.
and shall be placed on the footing of natives as to expropriations in time of war—Swiss Confederation, 1073.
shall enjoy complete protection while they submit to the law—Argentine Confederation, 18; Costa Rica, 222; Greece, 502; Honduras, 468; Liberia, 631; Nicaragua, 780.
shall be put on the footing of reciprocal equality, except when so doing conflicts with constitutional or legal provisions of either contracting party—Orange Free State, 794.
they may exercise their profession—Swiss Confederation, 1073.
they shall pay no other or higher taxes, charges, or requisitions than citizens pay—Argentine Confederation, 20; Belgium, 76; Bolivia, 91; Honduras, 568; Italy, 581; Nicaragua, 782; Orange Free State, 794; Paraguay, 833; Swiss Confederation, 1073; Salvador, 965.
they may manage their own affairs, and employ such brokers, agents, or factors as they choose—Argentine Confederation, 19; Colombia (New Granada), 197; Costa Rica, 224; Dominican Republic, 245; Hawaiian Islands, 543; Hayti, 552; Hanseatic Republics, 535; Italy, 581; Morocco, 732; Nicaragua, 781; Paraguay, 832; Peru, 1194; Sweden (see *Sweden and Norway*), 1051; Switzerland, 1073; Honduras, 568; Mecklenburg-Schwerin, 657; Salvador, 959.
citizens of each in the territories of the other shall have the same access to the courts as natives, and may employ such advocates, agents, and attorneys there as they please—Argentine Confederation, 20; Costa Rica, 224; Dominican Republic, 245; Ecuador, 258; Hanseatic Republics, 535; Honduras, 568; Italy, 587; Mecklenburg-Schwerin, 657; Colombia (New Granada), 198; Oldenburg, 792; Nicaragua, 781; Paraguay, 832; Peru, 1195; Switzerland, 1073; Bolivia, 94; Hayti, 552; Spain, 1008, 1013; Salvador, 961.
citizens of each arrested within the jurisdiction of the other for debt or for alleged offenses are to be prosecuted by order and authority of law only and according to the regular course of proceedings—Prussia, 913; Spain, 1008.
vessels and effects of citizens of each in the territories of the other are to be protected and defended—Sweden, 1050; Tunis, 1098.
citizens of one party residing in the territories of the other shall not be imprisoned without formal commitment, except in cases *flagrantis delicti*—Peru 1195.
shall be examined within twenty-four hours after arrest or else discharged—Peru, 1195.
during imprisonment shall be treated with humanity—Peru, 1195.
citizens of each being within the territories of the other shall be exempt from forced military service—Argentine Confederation, 20; Costa Rica, 225; Dominican Republic, 245; Hawaiian Islands, 543; Hayti, 552; Honduras, 569; Italy, 581; Nicaragua, 782; Orange Free State, 794; Paraguay, 833; Serbia, 985; Switzerland, 1073; Salvador, 966; Tonga, 1207.
from billetings of soldiers—Serbia, 985; Tonga, 1207.
from contribution in kind or money for compensation for personal military services—Italy, 581; Serbia, 985.
not exempt from such contribution—Orange Free State, 794; Swiss Confederation, 1073.
from forced loans—Argentine Confederation, 20; Bolivia, 91; Costa Rica, 225; Dominican Republic, 245; Hawaiian Islands, 543; Honduras, 569; Nicaragua, 782; Paraguay, 833; Serbia, 985; Salvador, 966.
from military exactions—Argentine Confederation, 20; Costa Rica, 225; Dominican Republic, 245; Hayti, 552; Honduras, 569; Nicaragua, 782; Paraguay, 833; Peru, 1192; Salvador, 966; Serbia, 986; Tonga, 1207.
from contributions—Bolivia, 91; Nicaragua, 782.
from contributions in time of war, in which case property is not to be taken without compensation paid in advance—Nicaragua, 782; Salvador, 966.
without compensation, on the same footing as natives—Orange Free State, 795.
from extraordinary contributions not general and established by law—Hawaiian Islands, 543.
from contributions higher than those paid by natives—Costa Rica, 225; Dominican Republic, 245; Hayti, 552; Honduras, 569; Orange Free State, 794; Paraguay, 833.

RECIPROCAL COMMERCIAL AGREEMENTS—Continued.
from judicial or municipal office—Italy, 584.
the citizens of each shall not be liable to the embargo or detention of their vessels, cargoes, merchandise, or effects—Bolivia, 91; Colombia (New Granada), 197; Ecuador, 257; Italy, 581; Peru, 1192; Spain, 1008; Sweden, 1047; Tunis, 1098.
without compensation—Bolivia, 91; Colombia (New Granada), 197; Ecuador, 257; Italy, 581; Salvador, 960.
to be paid in advance—Bolivia, 91.
when it can be agreed upon—Italy, 581.
their vessels are to be subjected to such embargo only in cases of urgent necessity, and an equitable indemnity shall be paid—Prussia, 912.
steam-vessels of either party are not to be subject to discriminating duties—Bolivia, 93; Peru, 1193.
steam lines, special privileges to be accorded to parties establishing such lines—Bolivia, 93.
their books and papers are not to be subjected to inspection without the order of a competent legal tribunal—Bolivia, 91; Hawaiian Islands, 543; Hayti, 553.
the citizens of each country are to have a right to travel in the possessions of the other—Bolivia, 91; Hawaiian Islands, 542; Italy, 581; Nicaragua, 782; Peru, 1192; Salvador, 966; Tonga, 1205.
citizens of each residing in the territories of the other may intermarry with natives—Nicaragua, 782; Salvador, 966.
may enjoy perfect and entire freedom of conscience and worship—Tonga, 1208.
may enjoy freedom of religious belief, respecting at the same time the laws and usages of the country—Bolivia, 94; Argentine Confederation, 21; China, 180; Colombia (New Granada), 198; Ecuador, 258; Hawaiian Islands, 544; Hayti, 553; Paraguay, 834; Peru, 1195; Salvador, 961.
and also of religious worship on conditions as named in the respective treaties—Argentine Confederation, 21; Colombia (New Granada), 198; Costa Rica, 226; Dominican Republic, 245; Honduras, 570; Nicaragua, 783; Paraguay, 834; Peru, 1195; Sweden (see *Sweden and Norway*), 1043.
they are to have the liberty of burial—Argentine Confederation, 21; Bolivia, 94; Colombia (New Granada), 198; Costa Rica, 226; Dominican Republic, 245; Ecuador, 258; Hayti, 553; Honduras, 570; Nicaragua, 784; Paraguay, 834; Peru, 1195; Sweden (see *Sweden and Norway*), 1043; Salvador, 966; Tonga, 1208.
on the breaking out of a war between the two countries, the citizens of each in the country of the other may remain and continue to trade so long as they behave peaceably—Argentine Confederation, 21; Paraguay, 834; Peru, 1199; Salvador, 965.
all may remain whose occupations are for the common benefit of mankind—Italy, 586.
suspected persons in the event of war may be removed into the interior—Peru, 1199.
six months are granted to merchants and citizens to arrange their business and withdraw their effects—Dominican Republic, 244; Hayti, 552.
six months allowed to those on the coast and twelve months to those in the interior—Bolivia, 98; Costa Rica, 225; Ecuador, 262; Honduras, 569; Italy, 586; Nicaragua, 783; Colombia (New Granada) 202; Salvador, 965.
nine months granted—Morocco, 733; Russia, 914; Sweden, 1049.
one year granted—Spain, 1110; Peru, 1199; Tunis, 1095.
and indemnity is to be made for any injury done during that time—Spain, 1010.
such time as they may require—Paraguay, 834.
during this time they are to be unmolested, if they conduct themselves properly—Costa Rica, 226; Ecuador, 262.
their effects are not liable to confiscation—Argentine Confederation, 21; Bolivia, 99; Colombia (New Granada), 202; Costa Rica, 226; Ecuador, 262; Honduras, 570; Hayti, 552; Nicaragua, 783; Paraguay, 834; Peru, 1199; Sweden (see *Sweden and Norway*), 1049.
or to demands other than those made upon the property of natives—Argentine Confederation, 21; Costa Rica, 226; Salvador, 965.
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all but merchants can remain, even after the expiration of the time named, protected in person and property, unless they forfeit the right by their conduct—Colombia (New Granada), 202; Bolivia, 98.
all can remain and be protected who behave peaceably and commit no offense against the laws—Honduras, 570; Nicaragua, 783.
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are not to be made for infractions of a treaty until a statement of injuries shall have been made and redress refused or unreasonably delayed—Bolivia, 100; Colombia (New Granada). 205; Ecuador, 264; Portugal, 896; Salvador, 971.
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of each may enter into the ports of the other—Borneol, 03; Morocco, 731.
are not to be examined on any pretense whatever—Morocco, 731.
of the United States are to be afforded facilities of intercourse in Chinese waters—China, 161.
of the United States may anchor at Paknam, but shall not go above in the river without the consent of the Siamese authorities—Siam, 997.
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